

23.9.2022

ORDERS ON I.A.XV AND XVI

Defendant no 8 filed I A No XV under S
151 of CPC seeking permission to lead

evidence and I A XVI under Order VIII rule 1 of (1)(3) R/w S. 151 of CPC seeking to condone the delay caused in furnishing the document.

Counsel for plaintiff submitted no objection to the application.

Heard the counsel for plaintiff and defendant no 8. Perused the materials on record.

It is stated that on the date fixed for further evidence on behalf of defendant no 7 and 8, he could not be able to appear before the court due to which further evidence on behalf of defendant no 7 and 8 is treated nil. Adducing evidence on behalf of defendant no 7 and 8 is necessary in order to substantiate the contentions taken by them. Defendant no 7 and 8 needs to be accorded opportunity to adduce further evidence on their behalf and to produce the documents, in order to substantiate their contentions. The evidence of defendant no 7 and 8 might assist the court in eliciting the truth of the matter and to arrive at just decision. Plaintiff will not appear to be prejudiced since she will be having right and opportunity to cross examine the witness examined on behalf of defendant

no 7 and 8 and also on the document furnished by defendants. The reasons assigned by defendant no 8 appears reasonable and satisfactory. Defendant no 8 needs to be accorded opportunity to produce the document and lead further evidence on his behalf. The grounds urged in the applications appear sufficient and valid. Defendant no 8 made out valid grounds for allowing the applications. Hence, this court deems it appropriate to pass the following

ORDER

I A No XV and XVI filed by defendant no 8, is hereby allowed.

The document is taken on record.

For further evidence of defendant no 7 and 8

Call on 29.09.2022

Sd/-

PRL.CIVIL JUDGE, KUMTA.