

Defendant no 3 present.

Sri RGN advocate filed I A under S. 151 of CPC seeking to re-open evidence of defendant side and permit defendant no 3 to lead evidence.

Counsel for plaintiff submits oral objections to the application contending that the application filed by defendant no 3 is not tenable and defendant no 3 not made out valid and satisfactory grounds for allowing the application.

Heard. Perused.

Defendant no 3 stated that he is unable to appear before the court in order to lead evidence on his behalf since he has been admitted to the hospital due to ill-health. It is stated that in order to substantiate his contentions, he needs to lead evidence on his behalf. Defendant no 3 needs to be accorded opportunity to substantiate his contentions by leading evidence on his behalf. The objections raised by plaintiff does not sustain for consideration. The plaintiff will have the opportunity to cross examine defendant no 3 and substantiate his contentions. Defendant no 3 deserves to be accorded opportunity to substantiate his contentions which might enable to ascertain the truth pertaining to the subject matter of dispute and might assist the court in just and proper adjudication of the dispute. Defendant no 3 made out grounds to allow the application. Hence, this court deems it appropriate to pass the following

O R D E R

I A filed by defendant no 3 under S. 151 of CPC is allowed on cost of Rs 200/-

Defendant no 3 is examined as Dw-1 and
filed affidavit in lieu of chief examination.

For further chief of Dw-1

Call on 08.04.2022

Sd/-
Prl. Civil Judge, Kumta