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**IN THE COURT OF THE SENIOR CIVIL JUDGE & PRL.
JMFC AND ADDL. M.A.C.T., KUMTA, AT: KUMTA,
UTTARA KANNADA.**

Dated this the 23rd day of April, 2026

PRESENT

**Smt. B.S.Rayannawar, B.A., L.L.B.,
Senior Civil Judge
& Prl. JMFC, Kumta.**

MVC. No.299/2024

BETWEEN:

Noorahmad Fakeer Sab

...Petitioner

(Rep.by Sri. M.D.R.-Advocate)

V/s.

AND:

Mahammad Isak Imam Sab (Dead)
his LR's and others

...Respondents.

(Rep.by R1(a) and (b)-Sri. B.S.U.-Advocate)
(R2 by Sri. S.M.B.-Advocate)
(R3 by Sri. Y.V.S.-Advocate)
(R4 by Sri. V.S.S. -Advocate)
R1(c)-Exparte)

IA.NO.VI and VII**BETWEEN:**

Noorahmad Fakeer Sab

...Appellant/Petitioner.

V/s.

AND:Mahammad Isak Imam Sab (Dead)
his LR's and others

...Respondents/Opponents.

Provision	U/s. 151 of CPC and Order 18 rule 17 of CPC
Relief sought for	seeking permission to reopen and recall the PW1 to lead further chief evidence of PW1
Application dated	06-04-2026
Application No.	VI & VII
Objection filed on	15-04-2026
Order passed on	23-04-2026

COMMON ORDERS ON I.A Nos.VI & VII

The learned counsel for petitioner filed present application under Sec. 151 of CPC and under order 18 rule 17 R/w. Sec.151 of CPC with an prayer to reopen and recall the PW1 to lead further chief evidence of PW1.

2. IA No.VI and VII supported with affidavit of petitioner, stating that present petition is filed for the compensation about the accidental damages happened to his vehicle. The contents of the petition may be taken as part and parcel of this affidavit to avoid repetition. The present case is posted for arguments. But due to oversight some of the relevant documents which speaks the ownership of his vehicle and driving license of the driver at the time of accident i.e. registration certificate and driving license not produce at the time of evidence. The said documents which are enclosed herewith list of documents are material document for adjudication of the claim. If the application is allowed, it will not prejudice the respondents, otherwise he will suffer very hardship and inconvenience to prove his case and it will lead very injustice to him. Hence prayed that the Court may be pleased to allow the application and recall him further chief examination by re-opening the case and permitted him to produce the documents which enclosed herewith list of documents and marked the same as an exhibits, hence prays to allow the applications.

3. I.A No.VI and VII opposed by respondent no.2 company by filing written objections, contending that, the applications filed on behalf of the petitioner at this belated stage are not tenable either on law or on facts of the case. The provision of law quoted in the applications is not correct and the application filed by quoting the wrong provision of law is not maintainable and liable to be dismissed.

4. The facts narrated either in the application or in the affidavit filed in support of the applications are not true and correct and this Respondent has not admitted the contents thereon. Absolutely there are no genuine grounds made out either in the application or in the affidavit filed in support of the applications.

5. The petitioner has not quoted the correct provision of law and filed application U/Sec. 151 of C.P.C. The application filed by quoting the general provision for inherent power of the Court is not maintainable when there is a specific provision is available in CPC. Hence the present applications are not tenable and liable to be dismissed.

6. The present petition is filed by the petitioner against the Respondents for compensation for the damaged as alleged in the applications and it is for the petitioner to prove each and every aspect in support of his case. This case is now posted for arguments after completion of evidence of both parties and now the petitioner has sought for re-opening the case for further chief examination to produce some documents. The petitioner is now trying to fill up the lacuna in his cross examination which is not permissible under law. The Court has given ample opportunity for the petitioner to adduce evidence and to produce documents and he had already produced some documents in support of his claim and got exhibited. The documents sought to be produced is not material documents for the just decision of the case. The petitioner has filed these applications only to drag on the matter with an ulterior motive to cause delay in trial and not with good intention.

7. If the present applications are allowed, then the Respondent Insurance Company will be put to great loss,

injustice and inconvenience and on the other hand no injustice or inconvenience will be caused to the petitioner if the present application is not allowed. Hence prays to dismiss the IA No. VI and VII with cost.

8. Heard learned counsel for petitioner and learned respondent no.2 on I.A.No.VI to VII. Perused applications, annexed affidavit, objections and other material on record.

9. The points that arise for consideration are as under;

1. Whether the petitioner made out grounds to allow the applications?
2. What order ?

10. Findings to the above points are as under;

Point No.1 : In the Affirmative,

Point No.2 : As per the final order for the following :

ORDER

11. **Point No.1**: The present petition filed by the petitioner under section 166 of Motor Vehicle Act, 1988, claiming compensation for the injuries sustained by him in

the road traffic accident dated 14.02.2024. Admittedly now the case is posted for argument at this stage the petitioner filed these applications to reopen and recall the PW1 to lead further chief evidence of PW1.

12. It is the contention of counsel for petitioner that due to oversight some of the relevant documents which speaks the ownership of his vehicle and driving license of the driver at the time of accident i.e. registration certificate and driving license not produce at the time of evidence. The said documents which are enclosed herewith list of documents are material document for adjudication of the claim. If the application is allowed, it will not prejudice the respondents, otherwise he will suffer very hardship and inconvenience to prove his case and it will lead very injustice to him. Hence prayed that the Court may be pleased to allow the application and recall him further chief examination by re-opening the case and permitted him to produce the documents which enclosed herewith list of documents and marked the same as an exhibits, hence prays to allow the applications.

13. Learned counsel for respondent No.2 company submits that, there are no genuine grounds made out either in the application or in the affidavit filed in support of the applications. The application filed by petitioner is at belated stage Hence the present applications are not tenable and liable to be dismissed.

14. It is well settled legal principle that courts while deciding such matters, should not adopt hyper technical approach and liberal approach should be the general rule, particularly in cases where other side can be compensated with the costs. If the applications are not allowed and if the petitioner is not permitted to produce the document and to lead further chief no hardship caused to respondents as they have every liberty to cross examine petitioner on said documents, hence if the application is not allowed hardship caused to the petitioner. Hence to meet out the ends of justice and for striking balance between the interest of the parties, it is just and proper to reopen the case for further chief of PW.1. Hence applications filed by the petitioner are

hereby allowed. Hence **point no.1 answered in the Affirmative.**

15. **Point No.2:** In view of above discussions, this court proceed to pass the following:

ORDER

I.A.No.VI and VII filed under Order
18 Rule 17 R/w. 151 of CPC by the
petitioner are hereby allowed with cost of
Rs.200/-.

Case is reopened from the stage of
argument.

For Further chief of PW.1.

(Dictated to the Stenographer directly to the computer, then corrected and pronounced by me in the open court on this date the 23rd day of April, 2026)

(Smt. B.S.Rayannawar)
Senior Civil Judge
& Prl. JMFC., Kumta