

ORDERS ON I.A.No.VIII AND IX

The applicant/defendant No.2 has filed I.A. No.VIII U/o 18 Rule 17 of CPC and I.A.No.IX U/Sec.151 of CPC seeking to recall the order i.e. defendant No.2 evidence is closed.

2. In support of the present applications, the defendant No.2 has filed his sworn affidavit stating that, leading of his evidence is very much necessary by recalling the earlier order as defendant No.2 evidence is closed. Hence, prayed to permit her to adduce evidence by recalling the earlier order by allowing the I.As.

3. On the other hand, the counsel for the plaintiffs submits that, the applications may be allowed on heavy costs.

4. That, the defendant No.2 is seeking to reopen the side of defendants to lead his evidence. The suit is one for partition and separate possession. That, on perusal of the order sheet, the case was posted for defendant's evidence on 24.02.2025, 01.03.2025. But, the defendants have not lead any evidence in a reasonable time. Hence, on 07.03.2025, this Court has taken the evidence of defendants as nil and posted the matter for argument. At this belated stage, the defendants came up with the present applications.

5. The plaintiffs submits that, the applications may be allowed on heavy costs. The delay caused in speedy disposal of the case, the

defendant No.2 has to compensate the other party. Therefore, in view of the above observation the I.A. deserves for consideration. Hence, in view of the above, I proceed to pass the following;

ORDER

I.A. No.VIII filed U/o XVII Rule 17 of CPC and I.A.No.IX filed U/Sec. 151 of CPC filed by the defendant No.2 are hereby allowed on costs of Rs.500/- each.

The side of the defendant's is reopened and defendant No.2 is permitted to lead his evidence without further delay.

For defendants evidence as finally.

By: 26.03.2025

ASCJ & JMFC
B.Bagewadi