

IN THE HIGH COURT OF KARNATAKA
CIRCUIT BENCH AT GULBARGA

DATED THIS THE 25TH DAY OF MARCH 2009

BEFORE

THE HON'BLE MR.JUSTICE S.N.SATYANARAYANA

W.P.NO. 80712 OF 2009 (GM-CPC)

BETWEEN:

FOOD CORPORATION OF INDIA,

A. THE DISTRICT MANAGER,
FOOD CORPORATION OF INDIA
DISTRICT OFFICE, HUBLI.

B. THE SENIOR REGIONAL MANAGER,
FOOD CORPORATION OF INDIA,
REGIONAL OFFICE,
10B, KALINGARAO ROAD,
BAGALKOT - 560 007.

C. THE ZONAL MANAGER (SOUTH)
FOOD CORPORATION OF INDIA,
ZONAL OFFICE,
HADDOWS ROAD,
CHENNAI - 600006.

... PETITIONERS

(BY SRI. ARUN S.PATIL, ADV.)

AND:

THE NANDI SAHAKARI SAKKARE
KARKHANE NIYAMAIT
KRISHNA NAGAR,
CHIKKAGALAGALI,
POST: HOSURE, TALUKA AND

DISTRICT BIJAPUR
KARNATAKA STATE,
PIN - 587 117.

...RESPONDENTS

THIS WRIT PETITION FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO SET ASIDE THE ORDERS AT ANNEXURE-A DATED 16.1.2009 PASSED IN O.S.NO.121/2003 BY THE HON'BLE CIVIL JUDGE (SR.DN) BOJAPUR WITH THE DIRECTION TO ALLOW THE IA NO.7 AND 8 FILED IN THE SAID SUIT BY THE PETITIONER AND ETC.

THIS WRIT PETITION COMING ON FOR PRELIMINARY HEARING THIS DAY, THE COURT MADE THE FOLLOWING:

ORDER

Heard the learned Counsel for the petitioners.

2. The respondent herein has filed a suit in O.S.No.121/03 on the file of Civil Judge (Sr.Dn), Bijapur, seeking recovery of Rs.32,71,751-62/- towards cost of the sale of levy sugar to the defendants who are the petitioners

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herein. The said suit is now at the stage of defendants arguments on the main suit. It is seen at this juncture, the petitioners herein who are defendants in the suit filed two application in I.A.Nos. 7 and 8 for re-open of evidence and for direction to railway officials to produce certain documents. The said application came to be dismissed on 16.1.2009. The said order passed by the trial Court on I.A.Nos. 7 and 8 in O.S.No.121/03 is challenged in this writ petition.

3. Admittedly, the suit transaction pertains to the year 2001. Suit for recovery was filed in the year 2003. The matter was taken before Lok Adalat in the year 2006 for settlement, but not settled. I.A.Nos. 7 and 8 were filed belatedly i.e., after the recording of the evidence and that too after the plaintiff concluded his arguments and ^{when} the case was _{by} posted for defendants arguments on 23.10.2008. The reasons stated in the affidavit filed in support of the applications does not make out any ground for the aforesaid applications to be allowed. Accordingly, the Court below has

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rightly rejected the applications filed by the petitioners herein who are the defendants before the trial court.

4. There is no justifiable ground to interfere with the order passed by the trial court on I.A.Nos.7 and 8. Hence, this writ petition is dismissed.

Sd/-
JUDGE

Srl.