

## **Order-15 Disposal of the Suit at the First Hearing**

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## **Order-15 Disposal of the Suit at the First Hearing**

### Order-15 Disposal of the Suit at the First Hearing

#### **1. Parties not at issue :-**

Where at the first hearing of a suit it appears that the parties are not at issue on any question of law or of fact, the Court may at once pronounce judgment.

#### **2. One of several defendants not at issue :-**

**1** [(1)1 Where there are more defendants than one, and any one of the defendants Is not at issue with the plaintiff on any question of law or of fact, the Court may at once pronounce judgment for or against such defendant and the suit shall proceed only against the other defendants.

**2** [(2) Whenever a judgment is pronounced under this rule, a decree shall be drawn up in accordance with such judgment and the decree shall bear the date on which the judgment was pronounced.]

1. Renumbered by C.P.C. (Amendment) Act No. 104 of 1976, Sec, 65 (w.e.f. 1st February, 1977).

2. Ins. by C.P.C. (Amendment) Act No. 104 of (1976).

#### **3. Partics at issue :-**

(1) Where the parties are at issue on some question of law or fact, and issues have been framed by the Court as hereinbefore provided, if the Court is satisfied that no further argument or evidence than the parties can at once adduce is required upon such of the issue as may be sufficient for the decision of the suit, and

that no injustice will result from proceeding with the suit forthwith, the Court may proceed to determine such issue, and if the finding thereon is sufficient for the decision, may pronounce judgment accordingly, whether the summons has been issued for the settlement of issues only or for the final disposal of the suit: Provided that, where the summons has been issued for the settlement of issues only, the parties or their pleaders are present and none of them objects.

(2) Where the finding is not sufficient for the decision, the Court shall postpone the further hearing of the suit, and shall fix a day for the production of such further evidence, or for such further argument as the case requires.

#### **4. Failure to produce evidence :-**

Where the summons has been issued for the final disposal of the suit and either party fails without sufficient cause to produce the evidence on which he relies, the Court may at once pronounce judgment, or may, if it thinks fit, after framing and recording issues, adjourn the suit for the production of such evidence as may be necessary for its decision upon such issues.

#### **5. Striking off defence on failure to deposit admitted rent, etc :-**

(1) Any suit by a lessor for the eviction of a lessee after the determination of his lease and for the recovery from him of rent or compensation for use and occupation, the defendant shall, at or before the first hearing of the suit, deposit the entire amount admitted by him to be due together with interest thereon at the rate of nine per centum per annum and whether or not he admits any amount to be due, he shall throughout the continuation of the suit regularly deposit the monthly amount due within a week from the date of its accrual in the event of any default in making, the deposit of the entire amount admitted by him to be due or the monthly amount due as aforesaid, the Court may subject to the provisions of sub-rule (2), strike off his defence.