

Orders on IA No.12 to 14

The IA No.12 is filed under Order 18 Rule 17 of CPC, the I.A. No.13 is filed under Section 151 of CPC to recall PW.1 by reopening the stage for the purpose of further examination and the I.A. No.14 is filed under Order 7 Rule 14(3) of CPC for production of documents by the plaintiff. All the applications are accompanied by the affidavits of the plaintiff. The defendants have filed common objections to the above applications.

Heard the arguments of both the sides and perused the records.

The plaintiff has filed the present suit for declaration that the registered partition deed dated 23.01.2017 and sale deed dated 13.05.2017 are not binding on him and for the relief of perpetual injunction restraining the defendants or anybody claiming under them, from interfering with the peaceful possession and enjoyment of the plaintiff over the suit schedule properties. The defendants No.6 and 7 have appeared before the court and filed

their written statement. Already the evidence of both the sides has been completed. When the matter was posted for final arguments, the plaintiff has come up with the present applications seeking for production of documents, recall of PW.1 in order to mark the said documents. In the affidavits, the plaintiff states that the defendant No.7 had filed a suit O.S. No.4998/2017 before CCH-44. The said suit was recently dismissed on 20.01.2026. The plaintiff claims to have filed a criminal case in C.C. No.598/2020. Under the present applications, the plaintiff intends to produce the documents regarding these proceedings which are relevant for consideration in this suit. The plaintiff further states that as he could not obtain copies earlier, they were not produced during his evidence.

The defendants in the common objections state that the plaintiff had knowledge of the other proceedings pending before the other courts. Therefore, when the documents were not produced along with plaint or at the time of evidence, now no permission can be granted for production or recall of witness for marking the document. Even otherwise the

documents at Sl.No.4 to 6 are not concerned to the present suit. They are irrelevant records and no purpose will be served in permitting marking of the documents. The plaintiff only to drag on the present suit, has filed these applications. Hence, they have prayed to reject I.A. No.12 to 14.

The learned counsel for the plaintiff submits that since the plaintiff is intending to produce the records of other proceedings between family members, permission has to be granted for production of the documents and recall of PW.1 for marking the same. That if the documents are received in evidence, no prejudice will be caused to the defendants, as they will have right of further cross-examination. Hence, he has prayed to allow I.A. No.12 to 14.

The learned counsel for the defendants No.6 and 7 submits that all the documents are irrelevant for disposal of the present suit. Even otherwise the other proceedings were already pending when the evidence of the plaintiff was recorded. No reasons have been assigned why the plaintiff could not have produced these documents at the earlier stage. Therefore,

no grounds are made out to allow the I.A. No.12 to 14. Hence, he has prayed to dismiss the same.

All the documents now sought to be produced by the plaintiff are certified copies of other proceedings pending between other family members and the criminal case filed by the plaintiff. No doubt, the plaintiff was required to produce all these documents on which he placed reliance along with the plaint. But there is no absolute bar for production of additional documents at the later stage of the suit. Under Order 18 Rule 17 of CPC, the court is having discretionary power to recall any witness for the purpose of further examination, if it is found necessary for fair disposal of the case. The suit O.S. No.4998/2017 is filed by one Smt. K. Ramya against Ramakrishna the present plaintiff, which has been dismissed. The suit O.S. No.575/2020 is shown to be filed by Krishna Murthy against Ramappa and suit O.S. No.4034/2021 filed by Muniyamma the mother of the plaintiff against Ramappa and others. Both the suits are shown to be decreed. Other documents are in respect of the records produced in those suits and copies of the

criminal case papers filed by the plaintiff. Some photographs are also sought to be produced.

Any party to the suit cannot be prevented from producing the best evidence in support of their claim, merely on the ground of some delay in producing additional evidence. Whether the documents now sought to be marked are relevant for disposal of the present suit, is a matter that can be considered only at the time of passing final judgment. If the plaintiff is permitted to produce the additional documents and get the same marked by recall of PW.1, no prejudice will be caused to the defendants. Because they will have right of further cross-examination. However, as there is some delay in seeking for production of additional documents and recall of witness, the defendants can be compensated by imposing some cost. Therefore, this court is of the opinion that the I.A. No.12 to 14 filed by the plaintiff deserve to be allowed in the interest of justice. Hence, I proceed to pass the following:

// ORDER //

The I.A. No.12 filed under Order 18 Rule 17 of CPC, the I.A. No.13 filed under

Section 151 of CPC and the I.A. No.14 filed under Order 7 Rule 14(3) of CPC are hereby allowed on cost of Rs.1,000/-. Thereby, the documents produced with I.A. No.14 are taken on record and PW.1 is recalled for further examination.

Call for further chief of PW.1 and cost by 10.08.2026.

(Saraswathi Devi)
II Addl. City Civil and Sessions Judge,
& Spl. Judge, Bengaluru.