

**ORDERS ON I.A.Nos.9 AND 10**

These applications filed U/Or. 18 Rule 17 of CPC for recall of PW1 and U/Or. 11 Rule 1(5) of CPC for seeking permission to produce additional documents.

2. Along with the application the POA holder of the plaintiff has filed affidavits. It is stated that, the suit is filed for recovery of money against the defendant. He has adduced his evidence and produced documents. During the cross examination he has been asked to produce certain documents. Hence, he has filed the application and produce documents. These are necessary documents. The PW1 is to be recalled and permit him to produce the documents mentioned in the list i.e., copies of e-mail for the year 2020-21. Hence, prays for allowing the applications.

3. The other side has filed common objections two these IAs, denying the contents of the application as well as affidavits annexed to these IAs. The PW1 has filed these applications and also the documents i.e., e-mails for the year 2020-21. These are absolutely additional documents. No proper explanation has given by PW1 for production of these documents. Only to drag on the matter these application filed. There are no grounds to allow these application and recall PW1 for further evidence. Hence, on these grounds and other grounds prays for rejection of the applications.

4. Heard.

5. After hearing the learned counsel for the parties I have gone through the pleadings of the parties. This is suit filed by the plaintiff for recovery of the amount from the defendant within interest. The PW1 is examined who is a POA holder of the plaintiff. Now, the matter is posted for further evidence of plaintiff. No list of witness is filed.

6. After perusing the documents i.e., the copies of e-mails for the year 2020-21 regarding communication between the parties. The learned counsel for defendant has relied upon a decisions reported in AIR online 2020 SCC 806 and Civil Appeal No.5798-5799/2008 of the Hon'ble Apex Court. I have gone through the same. The principles laid down in these decisions well founded. These decisions are aptly applicable to the case of the defendant.

7. I also gone through the pleading of the parties particularly plaint averements, there is no pleadings regarding these documents mentioned in the application. Therefore, without pleading the PW1 cannot be permitted to produce the documents. Therefore, in the laid down discussions made supra, I made the following

**ORDER**

**The applications filed U/Or. 18 Rule 17 of CPC and U/Or. 11 Rule 1(5) of CPC on behalf of plaintiff are hereby rejected.**

For evidence of defendant.  
Call on 05.09.2024.

**LXXXIV ACC & SJ., B'lore**