

ORDERS ON I.A III & IV

This order arising out of I.A's filed by plaintiff U/o 18 rule 17 R/w section 151 of CPC and Section 151 of CPC seeking to recall the order and permit him to lead further chief examination in the above suit.

2. On the contrary, defendant No.1 has resist application filed by plaintiff and stated that, application filed by plaintiff is not maintainable either in law or on fact. Hence prays to reject the application.

3. Heard on both side.

4. Upon hearing arguments and on perusal of materials placed on record the following points that would arises for my consideration.

1) Whether there are sufficient grounds to allow the application?

2) What order?

5. My findings to the above points are as under:

Point No. 1 : Affirmative

Point No. 2 :As per order for the following:

REASONS

6. **POINT No.1:** The plaintiff has filed this suit seeking relief of permanent injunction. Now plaintiff has filed this application seeking to reopen the stage from arguments of plaintiff and permit him to lead further chief evidence. Hence prays to allow the application.

7. The provision U/o 18 of CPC contemplated that hearing of the suit and examination of witness. Wherein Rule 17 of Order 18 emphasis that, the court may any

stage of a suit recall any witness who has been examined and may (subject to the law of evidence for the time being force) put such question to him as court thinks fit. The provision itself is clearly indicate that, at any stage of proceedings court may recall the any witness either plaintiff or defendant in order to adjudicate the matter in dispute. Herein the plaintiff has filed application for lead his further evidence. At this stage this court has not come to conclusion that, there is a sufficient evidence adduced by both parties. Further it is a right of plaintiff to prove him case by adducing evidence either by oral or by documentary.

08. It is no doubt that, the plaintiff has taken sufficient opportunity to lead him further chief, but it is not mandate to curtail the rights of plaintiff to lead him evidence. **Hence, I answer point No.1 in the Affirmative.**

09.POINT No.2: In view of the above discussion, this court proceeds to pass the following:

ORDER

**I.A No. III and IV filed by plaintiff
U/o 18 rule 17 R/w section 151 of CPC
and U/s 151 of CPC is hereby allowed
with cost of Rs. 500/-each.**

**Prl.Civil Judge and JMFC.,
Devanahalli.**

ORDER ON I.A. No.V

The counsel for plaintiff has filed this application Under Order VII Rule 14(3) of C.P.C. seeking to permit him to lead further chief evidence by producing the documents.

2. The application is accompanied with an affidavit of plaintiffs in which he contended that, furnishing some documents in support of his case, the documents which are mentioned in the accompanying list be permitted to be produced by her, otherwise it would cause serious prejudice to his suit as she relying upon these documents in support of his case. Accordingly prayed to allow the application.

3. On the contrary, the defendant No.1 has resisted the application filed by plaintiff and prays to reject the I.A.

4. Heard on plaintiff side. Perused the pleadings and Court records.

5. Upon hearing arguments and on perusal of materials placed on record the following points that would arise for my consideration.

1. Whether there are sufficient grounds to allow the application?

2. What order?

6. My findings to the above points are as under:

Point No. 1 :Affirmative

Point No. 2 : As per order for the

following:

REASONS

7. POINT No. 1: The plaintiff has filed this suit, for the relief of permanent injunction. Now the stage of case is fixed for arguments. Further plaintiff collected the documents in over site, that documents produced along with this I.A. The plaintiff has filed this application along with documents. Hence, it is just and necessary to allow this application and condense the delay in filling of above said documents along with plaint. If this Court rejected this application definitely headship will cause to plaintiffs if this Court allow this application no headship will cause to the defendants. Moreover to avoiding multiplicity of proceedings it is just and necessary, in the interest of justice and equity. **I answer point No.1 in the Affirmative.**

8.POINT No.2: As per the discussion made above, I proceed to pass the following;

ORDER

I.A. No.V filed by plaintiff Under Order VII Rule 14(3) of C.P.C is hereby allowed.

For further chief of PW-1 by

**Prl. Civil Judge and JMFC.,
Devanahalli.**