

ORDERS ON I.A.13 to 15

These IAs have been filed by the plaintiff, U/O 18 Rule 17 R/w Sec.151 of CPC, U/S 151 of CPC and U/O VII Rule 14(3) R/w Sec.151 of CPC seeking

for reopening of the stage by recalling PW-1 for further chief examination and also permit PW-1 to produce the enlisted documents by condoning the delay.

2. These applications are supported by separate affidavits filed by the plaintiff. The gist of the application averments are that the enlisted documents were misplaced in his house and after searching, the said documents are traced and the marking of those documents are very necessary to prove his case. The aforesaid reasons are not intentional, but bonafide one. Hence, it is just and necessary to recall him to mark those documents by adducing further chief-examination. Therefore, it is sought to allow these applications.

3. The defendants have filed objections to these IAs contending that these applications have been filed with a ill-motive in order to protract the proceedings. The applications are not maintainable at this stage. Apart from the same, it is also asserted that the copies of documents sought to be produced in evidence have not been furnished and therefore, it

is not possible to file detailed objections and accordingly, sought to reject the same.

4. Heard both side. Perused the case records.

5. The following points that arise for consideration are;

1. Whether the applicant / plaintiff has made out grounds to reopen the case to recall PW-1 for further chief-examination and also permit him to produce the enlisted documents by condoning the delay?

2. What order?

6. Answers to the above points are as under;

Point No.1 : In the Affirmative;

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

REASONS

7. **Point No.1:-** This suit for the relief of partition and separate possession. It is a matter of record that when the case was posted for arguments of defendants on merits, the plaintiff has come up with these applications seeking to reopen the stage

with leave to produce the application schedule documents i.e., discharge summary, medical bills, Bank pass book and a dairy after condoning the delay. In the objections, it is though stated that the applicant has not supplied the copies of documents to the defendants, but upon reference to the documents list, it is apparent that the copies of the documents sought to be produced have already been furnished to the defendants. It is contended that the said documents were misplaced and have been recently traced. The production of aforesaid documents is relevant for the purpose of adjudication of the case on hand. On reference to the oral and documentary evidence, already adduced on behalf of respective parties, more particularly with reference to the cross-examination of DW-1 dated 04.02.2026, the application schedule documents found to be relevant and production of said documents would assist the court to arrive at just conclusion. Therefore, these applications are liable to be allowed and the delay caused to the defendants may be compensated in terms of money. It is needless to mention that the production of enlisted documents is always subject to admissibility, proof

and relevancy. Accordingly, **the point under consideration is answered in the affirmative.**

8. **Point No.2** :- In view of the discussion in the foregoing point, the following;

ORDER

I.A.No.13 to 15 filed by the applicant / plaintiff, U/O 18 Rule 17 R/w Sec.151 of CPC, U/S 151 of CPC and U/O VII Rule 14(3) R/w Sec.151 of CPC are allowed with costs of Rs.2,000/-.

Stage is re-opened.

PW-1 is recalled.

Leave is granted to the plaintiff to produce enlisted documents in evidence.

For further chief-examination: 07.04.2026.

(Dictated to the Stenographer on computer, corrected, initialed and then pronounced by me in open Court on this the 26th day of March, 2026)

Sd/-

(IRFAN)
Senior Civil Judge,
Kadur.