

ORDERS ON I.A. NO.1

This JDR has filed the application under order 16 Rule 1 and 2 read with 151 of CPC with a prayer to permit the applicant to file list of witnesses and examine the witnesses cited in the list.

It is submitted in the affidavit filed in support of application that the witnesses cited in the list are important witnesses are conversant with facts of the case and submitted that the JDR cannot put forth his contention without the assistance of witnesses. Hence prays to allow the application.

Per contra the DHR filed objections contended that the application is not maintainable either in law or on facts and the same is liable to be dismissed. The DHR further contended that the witnesses are noway concerned to the case on hand and the documents produced by the DHR is sufficient to decide the case on merits. Hence prays to dismiss the application.

On perusal this is proceeding brought by the DHR in view of judgment and decree in OS No. 23/2002 with a prayer to issue order of demolish and to remove illegal construction. For the proper

adjudication of the case and to provide fair opportunities and also to avoid multiplicity of proceeding the application deserves to be allowed. However the DHR is at liberty to establish his case by subjecting witnesses to the cross examination. Hence this court proceed to pass following:

ORDER

The application filed by the JDR under order 16 Rule 1 and 2 read with 151 of CPC is hereby allowed.

For further evidence of JDR.

Call on 17.02.2023

Sd/-
Civil Judge and J.M.F.C.,
N. R. Pura.

