

Plaintiff is present . Counsel for both
plaintiff and defendants are present.

Heard both counsels on IA No. III and IV

For orders by.

COMMON ORDERS ON I.A's No.III and IV .

The present I.A's No.III filed by the counsel for
Plaintiff U/Sec.151 of C.P.C. to reopen the case for

the purpose of marking the documents . IA No. IV filed under order XVIII Rule 4 and Sec. 151 CPC to recall the Plaintiff /PW-1 and permit the petitioner to do his further chief .

2. In the accompanying affidavit of I.A. No.III and IV, it is stated by the plaintiff that, long back he has filed his affidavit of examination chief and prayed time for further chief and this Court has posted the case for further chief of PW-1 . Latter by oversight it was recorded in the order sheet for cross examination of plaintiff instead of further chief. Hence, it is necessary technically to reopen the case to enable plaintiff to mark the documents. Therefore, prays to allow the said applications.

3. On the other hand, counsel for the Defendants filed the objection stating that, the applications filed by the Plaintiff is not maintainable. After the affidavit of examination in Chief of plaintiff filed no prayer made for further examination in chief. Therefore, the order sheet has been rightly recorded. Plaintiff is not entitle to depose any reasons other than his personal inconvenience. Further not entitled shift any default to others. Plaintiff not at all deposed any

genuine reason for re-open the case. **Hence, prays to reject the applications.**

4. Heard both plaintiff and defendants on I.A. No. III to IV and also perused the materials placed on record.

5. The present suit is filed by the plaintiff against the defendants for the relief of damages of Rs. 1,00,000/- together with costs. The I.A No. III to IV filed by the defendants to re-call and re-open for purpose of plaintiff to mark the documents. It is the general principle that, widest opportunity should be given to the parties to prove their case in the trial court itself. Moreover, if the I.A. No. III and IV is allowed no hardship will be caused to the defendants. The defendants have every right to cross-examine the plaintiff on the documents produced by the plaintiff. Therefore, to avoid multiplicity of proceedings I inclined to allow the application filed by the plaintiff. Further, it is worth to note that , quoting of wrong provision is not fatal to the case. Accordingly , I pass the following-

ORDER

The I.A. No.III and IV filed by the plaintiff is hereby allowed.

Case is posted for further chief examination of PW1.

C.J & JMFC, Sullia.D.K.