

O.S.NO.348/2018

DATE : 13-03-2023.

**(I.A NO No.III AND IV. FILED AT
THE STAGE OF CROSS OF P.W.1)
ORDERS ON I.A.NO. III AND IV.**

I.A.No. III filed by the counsel for the plaintiff U/o.7 Rule 14(3) of C.P.C. prays to condone the delay to filing the documents.

I.A.No.IV filed by counsel for the plaintiff under Section 151 of C.P.C. seeking to re-open the plaintiff evidence and recall the P.W-1 and permit him to lead further evidence.

In support of application filed affidavit stating that, in the earlier stage, he could not produce the documents and the same is not in my possession. now I obtained the relevant documents from the concerned Department. These documents are very much relevant to this case. If the application is not allowed I will be put to great loss and hardship. Hence he prays to allow the application.

On the other hand the counsel for

the defendant filed objection stating that the plaintiff colluded with the revenue officials created sum false documents. The plaintiff has filed this application with intention to drag the proceedings. If the application is allowed the defendant will be put to great loss and hardship. Hence he prays to dismiss the application with heavy cost.

Heard on both sides and perused the materials.

The suit is for the relief of Declaration and Injunction. The evidence of the plaintiff completed. When the case has been posted for cross of P.W.1 instant I.As. are filed.

Rule 17 of Order XVIII C.P.C. states that “ ***the court may at any stage of the suit recall any witness who has been examined***”.

As per the above provision, the court may permit the party to recall any witness for further examination at any stage of the suit that includes

the stage even after completion the evidence of the parties. However, it is the discretionary power of the Court.

Keeping all these aspects in mind, Court opinion that it is necessary to allow the I.As. in the ends of justice and equity & also for the proper adjudication of the case and also in order to avoid the multiplicity of proceedings. Hence, I proceed to pass the following:-

:: O R D E R ::

I.A.No. III and IV have filed by learned counsel for the plaintiff under Order VII Rule 14 (3) and Section 151 of C.P.C. are hereby allowed on costs of Rs.300/-

For further evidence of P.W.1.

Call on 17-04-2023.

III A.C.J.Channarayapatna.