

Ex.35/18

The applications filed by DHR on 23.05.2023 are IAs No.IV to VI respectively. However, due to oversight the matter has been posted for Orders on IAs No.IV and V. Hence, Orders passed on IAs No.IV to V.

ORDER ON IA NO.IV TO VI

The DHR has filed these applications seeking to reopen the case, recall PW.1 and permit him to produce additional documents. In the affidavit annexed to these applications it is stated that, certain documents have not been marked through PW.1 as the same could not be secured at the time of filing of this petition. Therefore, it is very much necessary that, the same have to be produced by reopening the case. Hence, it is prayed to allow the applications.

On the other hand, the JDR has filed objection to these applications by contending that, this execution petition has been filed in relation to the Judgment and Decree passed in OS No.80/1983. The present DHR in this petition is not the party to the original suit and the DHR has admitted the same

in the petition. The DHR is not only the legal representative of Plaintiff in that suit. Except the DHR there are other legal representative of Plaintiff. The property shown in the execution petition has not fallen to the share of DHR. In the suit in OS 15/2000 the DHR is not party. The DHR does not have any right to file this execution petition. Accordingly, the DHR does not have any right to get the documents marked. On these grounds, it is prayed to reject the applications.

Perused to the contents of these applications and heard argument of both the counsel. The JDR has raised the specific contention that, the DHR herein is not the party to the previous proceedings i.e. suit in OS 80/1983 and OS No.15/2000. But, it is to be considered herethat, this execution petition has been filed in the year 2018 and already the DHR herein has been examined as PW.1 and documents at Exs.P1 to P23 have been marked. Therefore, the issue related to the relationship between the parties cannot be considered at this stage and since, the DHR is contending that, the document which are proposed to be marked through could not have been secured at the time of filing this petition,

this Court is of the opinion that, in order to provide opportunity to the DHR the applications filed by the DHR have to be allowed and accordingly they are allowed. The DHR is permitted to produce the documents subject its prove and relevancy and admissibility. For further chief examination of PW.1 by 20.03.2025

CJ & JMFC, HNPura