

**ORDER ON APPLICATION FILED BY
PLAINTIFF U/ORDER XVI RULE 1
& 2 OF CODE OF CIVIL
PROCEDURE.**

The plaintiff filed instant application U/Order XVI Rule 1 and 2 of Code of Civil Procedure seeking permission to file list of witnesses.

2. It is averred in the affidavit annexed to the application that, the plaintiff in the plaint has specifically averred that, she has got treated her

father spending an amount of Rs. 4,00,000/- raising loan. The issues framed by this Court lies burden on plaintiff to prove her case as such examination of witnesses is of vital importance. Hence, prayed to allow this application.

3. Per contra, learned counsel for defendant No. 4 filed instant application contending that, the documents relied by plaintiff are doctored one and are insufficiently stamped instruments. The witnesses sought to be examined are the henchmen of plaintiff as such, they cannot be examined. The documents produced by plaintiff have not been marked as such, question of examining the witnesses mentioned in said instruments does not arise at all. Hence, prayed to reject this application.

4. In view of above, this Court carefully perused material on records. At the outset, plaintiff filed instant suit for a relief of partition and

separate possession of her share in the suit properties. It appears from Order Sheet dated, 25-03-2025 that, when the matter was set down for further evidence of plaintiff, instant application came to be filed. Admittedly, instant suit for a relief of partition and separate possession of share as such, initial burden to prove ancestral character of suit properties lies on plaintiff. In such eventuality, she needs to be given sufficient opportunity to establish her claim. Apart from this, the defendants have right to cross examine the witnesses examined by the plaintiff. In view of above, this Court finds no impediment to allow this application and proceeds to pass following:

ORDER

The application filed by plaintiff U/Order XVI Rule 1 & 2 of Code of Civil Procedure is hereby allowed.

Consequently, the delay committed in filing list of witnesses is condoned and plaintiff is permitted to file list of witnesses.

No order as costs.

**C/C Senior Civil Judge & JMFC,
Aland.**

For further plaintiff evidence.

Call on 29-08-2025.

**C/C Senior Civil Judge & JMFC,
Aland.**