

COMMON ORDER ON I.A.No.VII AND VIII

Plaintiff has filed I.A.No.VII under Order-XVIII Rule-17 of C.P.C. for recalling of P.W.1 evidence for further examination and also I.A. No.VIII filed under Order-VII Rule-14 for permission to produce Record of Rights and also true translation copy. The said applications are supported by affidavit of plaintiff, wherein deposed that the documents produced under I.A.No.8 are misplaced and recently the plaintiff traced out the same. Now the case is posted for cross-examination of P.W.1. Hence, to meet the ends of justice, these documents are may be marked through P.W.1 by recalling earlier stage. Hence, prays for allow the same.

2. The said applications are not resisted by defendants. Hence objections taken not filed.

3. Heard on I.A.No.VII & VIII. On perusal of pleadings, the following points would arise for consideration.

1. Whether plaintiff is entitled the relief sought under I.A.No.VII and VIII ?

2. What order?

REASONS

4. **Point No.1** : The plaintiff has filed suit for

declaration and injunction against defendants. Now the plaintiff is intending to produce Record of Rights and true translation of Kasara Pahani pertaining to suit land. No doubt, the case is posted for cross-examination of P.W.1, but plaintiff is having opportunity to produce all the materials before Court so as to worked-out the remedy claimed in suit. Moreover the said applications are not been challenged by other side. Hence, for the purpose of fair and effective adjudication, it is just and proper to entertain these application at this stage. Therefore, I answered Point No.1 in the **'Affirmative'**.

7. **Point No.2:** For the foregoing reasons, I pass the following....

ORDER

I.A.No.VII & VIII filed by plaintiffs are hereby allowed on costs of Rs.200/- subject to payment before TLSC, Afzalpur,

For compliance and examination of P.W.1.

kept by:

Civil Judge, Afzalpur