

**Order On Interim Application No. 9 Filed U/O 18 Rule 17 CPC, IA No 10 U/S 151 CPC And IA No. 11 Filed U/O 7 Rule 14 Cpc By The Plaintiff**

1. This is an interlocutory applications filed by the plaintiff praying to recall the PW1 for the purpose of further chief examination in the interest of justice and equity.

2. The plaintiff has stated that the plaintiff has filed some documents and prayed to recall the PW1 for further evidence. If the application is not allowed the plaintiff will be put to irreparable loss and injustice. Hence she prayed to reopen the plaintiff side and allow the plaintiff to produce the documents and adduce further chief examination of PW1. Hence prayed to allow the application.

3. The defendant filed common objections contending that application is not maintainable as the documents are created and are false and not admissible in evidence. The plaintiff have created the documents. The plaintiff have not made any reasons to the allow the applications and therefore prayed to reject the application.

4. Heard arguments of counsel for the plaintiff and learned counsel for the defendants. Perused the materials.

5. On the basis of the contents of applications and on hearing, the following points arise for my consideration.

- 1) Whether the applications filed by the plaintiff deserves to be allowed?
- 2) What order?

6. My findings on the above points are as under:

Point No:1 : In the Affirmative.

Point No.2: As per final order for the following:

### **REASONS**

**7. Point No.1:-** The suit is for relief of partition and separate possession. The present applications are filed by filed by the plaintiff praying to recall the PW1 for the purpose of further chief examination. Perusal of the order sheet shows that case is posted for arguments and at this belated stage plaintiffs have filed the applications. It is stated by the plaintiff that the said documents are necessary for adjudication of the case. The objections filed by the defendants contending that the documents are filed by the plaintiffs at belated stage is acceptable but in the interest of justice opportunity is to be given to the plaintiffs to lead further chief examination of PW1 to avoid multiplicity of proceedings. In the light of above reasons I answer Point No.1 in the Affirmative.

**8. Point No.2:-** As I have answered point No. 1 in the Affirmative for the foregoing reasons, I proceed to pass the following:

**ORDER**

Interim Application No. 9 filed U/O 18 Rule 17 CPC, IA No 10 filed U/S 151 CPC and IA No. 11 filed U/O 7 Rule 14 CPC by the plaintiffs is allowed on cost of Rs. 300/-.

PW1 is recalled and permitted to file list of documents and further permitted to lead further examination in chief.

Call on 26-07-2024.

**Senior Civil Judge & JMFC,  
Chincholi.**