

20.9.2024.

**Orders on IA No.12 U/s 60(c) & (f) of
Bharatiya Sakshya Adhinyam**

The plaintiff has filed this application U/s 60(c & f) of Bharatiya Sakshya Adhinyam and sought permission to lead secondary evidence.

2. The plaintiff has sworn to an affidavit in support of IA and stated that the original document of the certified copy is not in the custody of the plaintiff. Therefore, the plaintiff has not produced the certified copy. The document is public document. Hence, prays to allow the IA.

3. The L.Rs. Of defendant No.1 have filed objections to IA and contended that the application is not maintainable. There is no ground in support of the IA. The suit is listed for plaintiff's evidence. Hence, this application is not maintainable. He has not explained sufficient reason required under the law. Hence, prays to dismiss the IA.

4. Perused the records. Heard arguments.

5. The suit is one for the relief of partition and separate possession. The plaintiff has produced the certified copy of the sale deed and stated on oath that the original is not in her custody. Therefore, it is just and necessary to permit the plaintiff to lead secondary evidence that is to get exhibit the certified copy of the sale in her evidence. Hence, the following:

ORDER

The application filed by the plaintiff U/s. 60(c) & (f) Bharatiya Sakshya Adhinyam is hereby allowed.

The plaintiff is permitted to lead secondary evidence that is to get exhibit the certified copy of the sale deed in her evidence.

Senior Civil Judge & JMFC, Sedam.

20.09.2024

Orders on IA No.13 U/O VI Rule 17 of CPC

The plaintiff has filed this application U/O 6 Rule 17 of CPC and sought to amend the plaint.

2. The plaintiff has sworn to an affidavit in support of IA and stated that due to topographical error and inadvertence the proposed amendment was not typed in the plaint. Further there is clerical error as to the name of father of Saibanna. The Trial has not been commenced. Hence, prays to allow the IA.

3. The L.Rs. of defendant No.1 have filed objections to IA and contended that the application is not maintainable. There is no ground in support of the IA. The suit is listed for plaintiff's evidence. Hence, this application is not maintainable. Hence, prays to dismiss the IA.

4. Perused the records. Heard arguments.

5. The suit is one for the relief of partition and separate possession. Though the issues are framed but the evidence is not yet commenced. Therefore, there is no impediment to allow the IA. On perusal of

the proposed amendment it becomes clear that it will not change the nature of the suit. If the IA is allowed no prejudice would be caused to the defendants as they are having statutory rights to file additional written statement. Hence, the following:

ORDER

The application filed by the plaintiff U/O VI Rule 17 of CPC is hereby allowed.

The plaintiff shall amend the plaint and furnish amended plaint within 10 days from the date of this order.

For amendment and amended plaint call on 28.9.2024.

Senior Civil Judge & JMFC, Sedam.