

ORDERS ON IA No.11

This application is filed by the plaintiff under Section 151 of CPC to reopen the case for further examination in chief of PW1.

2. In the affidavit filed to the application, it is stated that the plaintiff has engaged her new counsel for prosecuting the case. The case is already posted for cross-examination of plaintiff. The revenue documents produced by the plaintiff are not marked as exhibits and they are necessary documents. Hence, the above application.

3. The defendant No.6, 10 and 12 have filed objection to the application and stated that the application is not maintainable because mere reopening of the case will not survive unless the PW1 is recalled. The plaintiff filed documents and got marked as Exhibits. Thereafter the plaintiff is thoroughly cross examined. At present, the plaintiff has filed this application by stating that revenue documents are not marked by this court. She has not stated that which documents are not marked. Therefore it is prayed to dismiss the application.

4. Heard and perused.

5. The point that arises for my consideration is as follows ;

Whether Reopen the case for further examination in chief of PW1?

6. My answer to the above point is in the **Affirmative** for the following;

REASONS

7. The above application is filed to reopen the case for further examination in chief of PW1 to mark the revenue documents filed at the time of filing suit. It is stated that the said documents are not marked as Exhibits before the court. In the objections filed to the application, it is stated that the application is not maintainable for not filing application to recall PW1. The case is pending for cross-examination of PW1. Therefore recalling PW1 is not necessary. Hence, filing application for recalling PW1 is not required. It is stated in the affidavit filed to the application that the documents intended to be marked through PW1 are produced along with the suit. Therefore, it is just and necessary to Allow the application. Accordingly, above point is answered in the **Affirmative**. Hence, this court proceeds to pass the following:

ORDER

IA No.11 filed under Section 151
of CPC is thereby allowed.

The case is reopened for further
chief of PW1.

(MOHANAKUMARI N.B.)
I-Addl. Senior Civil Judge & JMFC.,
Maddur.