

COMMON ORDERS ON IA No.III & IV

The learned counsel for the plaintiffs has filed an IA No.III under Section 151 of CPC, seeking reopen the stage for the purpose of marking of documents.

The learned counsel for the plaintiffs has filed an IA No.IV under Order 18 Rule 17 of CPC, seeking recall of PW1 for the purpose of marking of documents.

The learned counsel for the defendant No.4 and 5 has filed an objection to applications and contended that, the applications filed by the plaintiffs are not maintainable under the law or on facts, the same are liable to be dismissed in limine. These defendants further contended that, the applications are hit by principles of estoppel. The plaintiffs are filed false suit in the year 2020. The PW1 herself submitted that, closed her side and case was posted for cross examination. The documents relied by the plaintiffs are hit by the provisions under Order 13 Rule 3 of CPC. Hence, prayed that dismissed the applications filed by the plaintiffs.

Heard both sides.

This court has perused the material available on record. The plaintiff No.1 has examined herself as PW1 on 22.02.2024 and case was posted for further chief of PW1. On 16.11.2024, the counsel for the

plaintiffs submitted that, no further chief and case was posted for cross examination of PW1. Thereafter, the counsel for the plaintiffs filed present applications.

In order to prove the case, the plaintiffs not marked any documents in their side due to oversight. The burden lies on the plaintiffs to prove the averments of the plaint by produce the oral and documentary evidence. Hence, the marking of documents is very much necessary to prove the case. Hence, the applications filed by the plaintiffs are deserves to be allowed. Hence, this court has proceed to pass the following order:

ORDER

IA No.III and IV filed by the plaintiffs under Section 151 of CPC and under Order 18 Rule 17 of CPC are hereby allowed with subject to payment of cost of Rs.100/- each.

Stage is reopened and PW1 is recalled for the purpose of marking of documents.

Further chief of PW1 by

**Senior Civil Judge and JMFC.,
Malavalli.**