

ORDERS ON I.A

L/c for the Petitioner filed IAs U/o 18 Rule 17 R/w sec. 151 of CPC seeking to re- open the case and re-call Pw1 for further chief examination and for the production of documents.

2. In the affidavit petitioner has submitted that he has to produce one medical document which is necessary to prove his case. Hence, prays to allow the applications.

3. On the other hand the L/c for respondent No.2 filed objection and contended that the petitioner without filing application he cannot produce document which is untenable in the Eye of law. Hence prays to dismiss the applications.

4. Heard both side. Perused record.

5. Admittedly the evidence of Pw1 and doctor evidence from petitioner side has been concluded. Now when the case is posted for further petitioner evidence, the petitioner filed these applications seeking for further chief examination by production of documents. It is

the specific contention of the respondent No.2 that the petitioner has not filed any application for the production of documents. It is to be noted that, as it is well settled principle of law that mere marking of documents does not mean that it is admitted in the evidence, it is always subjected to relevancy and proof of the documents produced. As such the respondent No.2 got an ample opportunity to cross examine pw1 on the documents produced. So far as application is concerned, it is subjected to file along with the document. Thus no prejudice will cause to the respondent No. 2 if applications are allowed. Hence, I proceed to pass the following:

**ORDER**

I.As filed by the petitioner is hereby allowed. Subjected to file I.A. along with documents.

By considering the nature of the petition no order as to cost.

Call for further chief of Pw1 call on 05.02.2025.

Sd/-

**Judge,**  
Court of Addl. S.C., &  
Mysuru