

### **Order on I. A.No.XI to XII**

The application I.A.No.XI is filed by the plaintiff U/sec. 151 of CPC to re-open the case, I.A.No.XII is filed U/O 18 Rule 17 of CPC to re-call PW-1 for further examination of PW-1 and I.A.No.XIII is filed U/O 7 Rule 14(3) of CPC to receive additional documents produced by the plaintiff.

2. All the applications are supported by affidavit of the plaintiff and it is sworn that the plaintiff intends to produce and get mark the material document to prove his case and hence prayed to receive the said document and to permit him to get mark the same.

3. The counsel for the defendants has filed objection to the application and it is stated that the present applications are filed when the case is adjourned for arguments. It is also stated that in order to drag the proceedings, the plaintiff has filed present applications. Hence prayed to dismiss the same.

4. Heard the arguments of counsel for both parties.

5. The plaintiff has filed the present applications to condone the delay and to receive document and also to recall PW-1 to get mark the said document now produce along with the application. The plaintiff intends to produced and get mark the tax demand extract. If the said document is taken on record and same is marked, the defendant will get an opportunity to cross examine over said document. The plaintiff by swearing the affidavit has stated that the said document is a material document to prove his case. By considering the reasons stated

in the application, the same deserves to be allowed. Hence this court proceed to pass the following:

**ORDER**

**The applications I.A.No.XI to XIII filed by the plaintiff U/sec.151 of CPC, U/O 18 Rule 17 of CPC and U/O 7 Rule 14(3) of CPC are hereby allowed.**

**The case is reopened for further evidence of PW-1 by recalling him. the document produced by the plaintiff is taken on record .**

**No order as to cost.**

**For further chief examination of PW-1.**

**Call on :02.08.2024**

(Dictated to the Stenographer, transcribed by him on computer, revised, corrected and then pronounced by me in the open Court on this the 16<sup>th</sup> day of July, 2024)

**(Sandesh Prabhu. B)  
Senior Civil Judge & J.M.F.C  
H.D.Kote**