

OS 45/2020

23/08/2024

Order On IA NO. 10 to 12

The plaintiff filed IA No. 10 to 12 for reopen the case, recall the PW-1 in order to further examination chief and also production of documents.

In the affidavit which enclosed to IA No. 10 to 12 wherein, the plaintiff stated that, he filed suit for relief of specific performance of contract with respect to schedule property.

At the time of examination plaintiff is unable to produce the documents. The said documents are very necessary to prove the case of the plaintiffs. Hence, he prays for allow the application.

On the other hand, the defendant filed common objection to the IA No. 10 to 12. Wherein the defendant contended that, the applications filed by the plaintiff are not maintainable and with intention to drag the proceedings. Hence, prays for reject the application.

Heard arguments.

Perused record it is noticed that, the plaintiff filed suit for relief of specific performance of contract on the basic of sale agreement executed by the defendants.

On the other the defendants have not denied the execution of documents. But, he contended that the said agreement only for the executed for security purpose of the loan amount. The plaintiff filed these applications for recall the PW-1 in order to further examination in chief.

The documents produced by the plaintiffs along with application which belongs to adjustment owner of schedule property. The documents produced by the plaintiff are necessary to prove this case. If the application is allowed, the defendant have got right to cross examination the PW-1. No doubt the plaintiff filed these applications after

conclusion of the trail. Hence, the delay of the filing applications condoned by imposing cost. Hence, the application filed by the plaintiff is allowed on cost of Rs. 1000/- PW-1 is recalled.

For cross of PW-1, call on 04-09-2024.

Sr CJ and JMFC., K.R.Nagar