

**ORDERS ON IA No.VIII TO X**

The Counsel for plaintiffs has filed IA No.VIII under Section 151 of CPC for reopen the case and IA No.IX filed under Order 18 Rule 17 R/w Section 151 of CPC prays for recall the PW-1 in order to further chief-examination of PW-1 and the IA No.X filed under Order 7 Rule 14 of CPC for production of documents with leave of court.

2. In the affidavits it is stated that, the plaintiffs have filed present suit for against the defendant for the relief of declaration and permanent injunction with respect to the schedule property. The plaintiffs have intended to produce the certified copy of the sale deed dated 01.03.1972 which standing in the name of original owner of the schedule property. Therefore, in order to prove the case of the plaintiffs, the title document of the plaintiffs is very necessary. Accordingly, prays for allow the applications.

3. On the other hand, the defendant has filed objection to the applications and contended that, the applications filed by the plaintiffs are not maintainable and at initial stage the plaintiffs have not produced the additional document and there is no sufficient reason mentioned in the applications to allow the said applications. Hence, prays for reject the applications.

4. Heard arguments.

5. Perused the material available on record. It could be seen that, the plaintiffs have filed the suit against the defendant for the relief of declaration and permanent injunction with respect to the suit schedule property.

6. On the other hand, the defendant has appeared before this court through his counsel and filed written statement by denying the case of the plaintiffs. On the basis of rival pleadings of the parties, this court has framed necessary issues and conducted trial. When, the case was posted for defendant's arguments, the present applications were filed.

7. Further the record shows that, the plaintiffs have claimed declarative relief on the basis of sale deed dated 05.04.1989. On the other hand, the defendant has also claimed relief on the basis of sale deed dated 01.01.1970. The both parties have claimed the same property. The plaintiffs have intended to produce the certified copy of the sale deed which is stands in the name of original owners of the property. Therefore, in order to avoid the multiplicity of the proceedings, the applications filed by the plaintiffs needs to be allowed. If the applications are allowed, the defendant has got right to cross-examine the plaintiffs on the documents.

8. No doubt, the present applications were filed when the matter was posted for defendant's arguments. The suit was filed in the year 2021. The plaintiffs caused delay by filing these

applications for that they have to compensate by way of cost to the defendant. Hence, keeping in view of the facts and circumstances of the case, the applications filed by the counsel for plaintiffs are allowed on cost of Rs.1,000/-. Hence, the PW-1 is recalled.

For further chief of PW-1 by:  
10.10.2025.

**Sr. Civil Judge and JMFC,  
K.R.Nagar.**