

ORDERS ON IA Nos.IX and X

The Counsel for the plaintiff has filed IA No.IX under Order 18 Rule 17 of CPC prays for recall the PW-1 in order to further examination in chief of PW-1 and IA No.X under Order 7 Rule 14 of CPC for production of documents.

2. In the affidavit it is stated that, the plaintiff has filed the suit against the defendants for the relief of declaration and permanent injunction with respect to plaint schedule properties. The case posted for cross examination of PW-1, now he wanted to produce the documents in support of his case with leave of court. The documents produced along with applications is very necessary to prove the case on hand. Hence, prays for allow the application.

3. On the other hand, the defendant No.1 has filed objection stating that, the applications filed by the plaintiff are not maintainable both in law or facts and the plaintiff has not assigned any reasonable grounds to allow the application. Therefore, he prays for reject the application.

4. Heard arguments.

5. Perused the material available on record. It could be seen that the plaintiff has filed the suit against the defendants for the relief of declaration and permanent injunction with respect to the schedule properties. Further the record shows that, the case posted for cross examination of PW-1. At this stage the plaintiff has filed these

applications to recall the PW-1 in order to produce the documents.

6. The plaintiff has come up with these applications for reopen the case and recall the PW-1 in order to further chief examination. Perused the documents which produced along with the applications and it could be noticed that these documents have not been produced earlier stage and the said documents are relating to the suit schedule properties.

7. At this stage it is relevant to refer the order 18 Rule 17 of CPC., provides that, the court may at any stage suit recall any witnesses who has been examined and may put such questions to him as the court things fit.

8. It is well settled Rule 17 of CPC., enables court to clarify doubts regarding evidence led by the parties. It does not enable filling up off omissions or lacuna in the evidence recorded power conferred. On the court can be used suo-moto or an application of the parties but, as to be used sparingly in appropriate cases.

9. The plaintiff has intended to produce the revenue documents with relating to the schedule properties. On the other hand, the defendants have taken contention in the objection that the plaintiff has produced the number of documents with respect to the schedule properties. If the plaintiff is permitted to produce the documents and got marked the same, the defendants have

got right to cross examined to the PW-1 on the said documents.

10. However, on perusal of order sheet this court it is noticed that, he caused delay by filing these applications for that the plaintiff has to compensate by way of cost to the defendants. Hence, keeping in view of the facts and circumstances of the case, the applications filed by the plaintiff are allowed on cost of Rs.200/-. Hence, the PW-1 is recalled.

For further examination in chief of PW-1 by: 09.06.2025.

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