

07/04/2026.

Plaintiff by:Shri.KSD-Adv

Defendants No.2, 4, 6 & 7

by:Shri.MCS-Adv.

Defendants No.5 and 8 Ex.parte.

COMMON ORDERS ON IA.NO.6 TO 8 FILED BY
THE PLAINTIFF

1. Plaintiff has filed the present suit for the relief of partition and separate possession as against the defendants.
2. When the case was at the stage of hearing final arguments on merits from counsel for defendants, the plaintiff has filed the I.A.No.6 under Section 151 of CPC to reopen the above case, I.A.No.7 under Order 18 Rule 17 R/w Sec.151 of C.P.C. to recall PW-1 for the purpose of further chief-examination and IA No.8 U/o 7 rule 14(3) of CPC along with list and documents.
3. In the affidavits accompanying the I.A. No.6 to 8 it is averred that the plaintiff has filed the present suit for the relief of partition and separate possession as against the defendants. It is averred that the plaintiff could not produce the proposed documents at the earlier point of time. It is averred that the documents sought to be produced are necessary for the purpose of fare adjudication of the above case. Therefore, it is averred that in order to mark those documents in evidence, it is necessary to reopen the above case and to recall the PW-1. It is averred that if the applications are allowed no hardship will be caused to the defendants. On the other hand if the applications are not allowed then the plaintiff

will suffer irreparable loss and hardship. Hence, on the above grounds the plaintiff has filed these applications to reopen the case and to recall the Pw.1 for purpose of further chief-examination.

4. The applications were strongly objected by the defendants by filing their objections by contending that the applications filed by the plaintiff is not maintainable under the law or on facts. The reasons assigned in the instant applications are not valid. The documents sought to be produced are intentionally produced by the plaintiff at the very belated stage. The documents sought to be produced are not necessary to decide the case on hand. The defendants have contended that the plaintiff has filed the present applications with an intention to further drag on the case. The applications being devoid of merits, the defendants have sought for its dismissal.

5. Heard both the sides on IA No.6 to 8. Perused the records. After going through the application along with affidavit, objection statement and the relevant documents placed on record, the following points arises for my consideration:

Point No.1: Whether the plaintiff has made out valid grounds to allow the applications?

Point No.2: What order?

6. My answers to the above points are as hereunder:

Point No.1 : In the Affirmative.

Point No.2 : As per the final orders for the following:

REASONS

7. POINT NO.1: Plaintiff has filed the present suit for the relief of partition and separate possession as against the defendants. By filing the present applications, the plaintiff is intending to mark the proposed documents in evidence which are produced by her along with the IA No.8. The plaintiff is intending to mark the proposed documents in order to establish her case.

8. This court being the trial court, full opportunity must be given to the plaintiff to properly put forth her cause. No doubt lots of delay is caused in filing the instant applications, the delay can be adequately compensated by imposing costs. Therefore, in order to avoid multiplicity of proceedings and also in order meet the ends of justice, present applications deserves to be allowed subject to the condition that the plaintiff shall lead the further chief-examination without seeking any further adjournments. Accordingly **point No.1 is answered in the Affirmative.**

9. POINT NO.2: In view of my foregoing findings and discussions on Point No.1, I proceed to pass the following:

ORDER

IA No.6 filed by the plaintiff U/Sec 151 of CPC, IA No.7 filed by the plaintiff U/o 18 rule 17 R/w Sec.151 of CPC and IA No.8 filed by the plaintiff U/o 7 Rule 14(3) of

CPC are hereby allowed on cost of Rs.1,000/-.

Consequently, case is reopened and Pw.1 is recalled for the purpose of marking the documents produced along with I.A.No.8 subject to payment of costs and subject to the condition that the plaintiff shall lead the further chief-examination without seeking any further adjournments.

To pay the cost of Rs.1,000/- and for further chief of PW-1.

Call on 16/04/2026.

**I ADDL. C.J & JMFC.,
K.R.NAGAR.**