

COMMON ORDER ON I.A.XII & XIII

The said applications are filed by the 3rd defendant under Section 151 of C.P.C. and under Order 18 Rule 17 r/w Section 151 of C.P.C. These two applications are filed to reopen and recall the stage of cross-examination of D.W.1 and mark some documents.

2. It is submitted that, the cross of D.W.1 was posted on last hearing date and he could not furnish some documents from the defendants' side because of unavoidable circumstances. Those documents are recently obtained and the said documents are very much required to prove the defence. Hence, the 3rd defendant prays to recall and reopen D.W.1 for further chief-examination to mark the documents.

3. Per contra, the plaintiff filed separate objections and asked to dismiss the applications stating that the said applications are attempt of after thought of the defendants because the matter is listed for hearing of arguments on merits, that time the defendant No.3 filed these two applications only to prolong the matter and to fulfill the lacuna appeared in the evidence. It is further submitted that, the 3rd defendant is going to produce genealogy

tree obtained from the village accountant and those documents are not authenticated documents because the said documents issued by the village accountant and not by the Tahsildar. Hence, it is not liable to mark the documents and there is no necessity to reopen the stage of the suit to mark the documents by the defendants. Hence, prayed to dismiss the applications.

4. The simple two applications are filed to recall and reopen of the stage of marking of some documents by the D.W.1 stating that he could not produce proposed documents at right time of chief-examination of his side. Those documents are recently collected by him. Per contra, the plaintiffs strongly opposed the said applications stating that the proposed documents are not issued by the authorized person i.e., Tahsildar of this Taluk; the documents prepared by the village accountant are not relevant documents and those documents are not required.

5. The purpose of trial is only to adjudicate the matter effectively, otherwise it will amount to just disposal. The objection of the plaintiffs that, the documents are not capable to be marked. But the plaintiffs will have to put cross-questions on the documents produced by the defendants. Therefore, the question of authentication of proposed

documents at this stage will not arise for consideration. Therefore, the following:

ORDER

I.A.XII and XIII filed the defendant No.3 under Section 151 of C.P.C. and under Order 18 Rule 17 r/w Section 151 of C.P.C. are allowed with cost of Rs.600/- payable to the plaintiffs. D.W.1 is permitted to get mark the documents without asking any further time, call on 22.07.2024.

Senior C.J. & JMFC.,
Nanjangud.

15.07.2024