

Orders on IA No.XIII to XV

i	Provision under which the application filed	IA No.13 under Sec. 151 of C.P.C, IA No.14 under Order 7 Rule 14 of C.P.C and IA No.15 under Order 18 Rule 17 of C.P.C
ii	Reliefs sought for	Re open of the case, permission to produce documents and for recall of pw1 for further examination in chief.
iii	The date on which the applications are filed	11.10.2023
iv	Number of the application	I.A.No.XIII to XV
v	The date on which the objections filed by different opponents	02.11.2023
vi	The date on which the order is passed	25.11.2023

Learned counsel for plaintiff has filed IA No.13 under Sec. 151 of C.P.C for reopen of the case, IA No.14 under Order 7 Rule 14 of C.P.C along with 4 documents with list and IA No.15 under Order 18 Rule 17 of C.P.C for recall of Pw1 for further examination in chief.

2. The plaintiff in support of IA No.XIII to XV sworn to the affidavits stating that, earlier she could not able to produce the documents. The said documents are very much necessary to prove her case. If the applications are allowed no prejudice would cause to the other side. On the other hand, if the applications are not allowed, she will be put to irreparable loss and injury.

3. Per contra, learned counsel for defendant has filed common objections to IA No.13 to 15 contending that, applications are not maintainable either in law or on facts. The documents produced by the plaintiff are nowhere connected to the present suit. The plaintiff and defendant are not parties to the OS.37/2000 and FDP.13/2004. Further, OS.37/2000 is suit for partition whereas the present suit is for injunction. Hence, the documents and court commissioner's report are not related to the present suit. Accordingly, the defendant prays for dismissal of IA No.13 to 15 with costs.

4. Heard and perused.

5. The present suit is for permanent injunction. IA No.13 to 15 are filed at the stage of arguments on merits. The documents produced by the plaintiff are related to FDP.13/2004. Admittedly, the plaintiff and defendant herein are not parties to the said proceedings. Learned counsel for plaintiff would submit that, in the said proceedings Taluka Surveyor has measured the landed property in Sy.No.289/1A and also stated that, land in Sy.No.289/2A in reality comes in Sy.No.289/1A.

6. Learned counsel for defendant would submit that, the sketch and report of Taluka surveyor prepared in FDP.13/2004 and the plaintiff and defendant herein are not parties to the said proceedings. Hence, the documents relied by the plaintiff are not relevant for the purpose of disposal of the present suit.

7. Admittedly, the parties to the suit herein are not parties to FDP.13/2004. However, the relevancy of documents can be considered at the final hearing. If the plaintiff is allowed to produce the documents, then

also the defendant is having ample opportunity to cross examine pw1. The relevancy of documents can be considered on merits. At this stage, it is not appropriate to consider the relevancy of documents. Of course, there is delay in filing applications. It is settled that, the delay can be compensated appropriately by imposing costs. Hence, in order to advance the cause of justice, to afford opportunity and to avoid multiplicity of proceedings, this court is of the opinion that, it would be just and proper exercise to allow the application. Accordingly, I Proceed to pass the following:

ORDER

IA No. 13 to 15 filed u/s.151 of C.P.C, under order 7 rule 14 of C.P.C and order 18 rule 17 of C.P.C are allowed on cost of Rs. 200/- each.

Accordingly, case is reopened, the documents produced by the plaintiff are taken on record and Pw1 is recalled for her further examination in chief.

**I Addl. Civil Judge & JMFC.,
Nanjangudu**