

OS 69/2018

5.3.2022

ORDERS ON I A.III & IV

The plaintiff filed I A III under S. 151 of CPC seeking to recall Pw-1 for the purpose of leading further chief examination and I A IV under Order VII rule 14(3) R/w S. 151 of CPC seeking to condone the delay caused in filing the documents in the case.

The copy of the application is served on counsel for defendants and in spite of providing sufficient opportunities, defendants not filed objection to the applications and as

such, objection of defendants to applications is taken nil.

Heard the counsel for plaintiff. Perused the materials on record.

It is stated by plaintiff that she is unable to obtain the documents which she intends to furnish now and furnish the same to her counsel since she is suffering from ill-health caused due to her old age. The plaintiff contended that the documents are material to the case on hand and the same needs to be exhibited on her behalf for which recall of Pw-1 is necessary. The documents furnished by the plaintiff appear to be material to the case on hand. The plaintiff needs to be accorded with opportunity to substantiate her contention for which the delay in furnishing the documents need to be condoned and the witness needs to be recalled for the purpose of exhibiting those documents. The defendants will not appear to be prejudiced in any manner since they have the opportunity to cross examine Pw-1 pertaining to the documents furnished by plaintiff. The grounds urged by the plaintiff appear satisfactory. The documents are stated

to be material and exhibiting of said documents might assist the court in just and proper adjudication of dispute and to arrive at just decision. The plaintiffs deserve to be accorded opportunity to substantiate their contentions for which Pw-1 needs to be recalled for the purpose of exhibiting the documents and the delay needs to be condoned. The defendants will have the right and opportunity to cross examine Pw-1 based on the documents furnished by the plaintiffs. Plaintiffs made out grounds to allow the applications. Hence, this court deems it appropriate to pass the following

O R D E R

I A No III filed under S. 151 of CPC and I A no IV under Order VII rule 14(3) R/w S 151 of CPC are hereby allowed on cost of Rs 200/- each.

The documents furnished by the plaintiffs are taken on record.

Pw-1 is recalled for the purpose of leading further chief examination.

Sd/-

PRL.CIVIL JUDGE, KUMTA.

