

COMMON ORDER ON I.A.Nos.XVI and XVIII

The counsel for plaintiff has filed an application under Order XVIII Rule 17 R/w.S.151 of CPC for recall of PW.1 for further evidence to get mark some documents by reopening stage. As it is contented in the affidavit that, the present suit is filed for partition and a separate possession and other reliefs. As in order to prove the case of the plaintiff, the recall of PW.1 is necessary, hence prays to allow the application.

2. Along with the said application, another application is filed under Order VII Rule 14(3) of CPC seeking the permission of the court to submit the documents which have been enclosed. Which have been necessary to prove the case of the plaintiff.

3. As the said applications are objected by the counsel for defendant No. 7 and 8 stating that as in this case already the evidence of both sides have been completed. When the case is posted for the stage of argument, the present application is filed intentionally. Therefore, only in order to drag the matter, the present Applications are filed. Therefore, prays to reject both the applications.

4. Heard and perused the materials on record. I have gone through application and objections as the every one has right to substantiate their right by adducing oral as well as documentary evidence, If the present applications are not allowed, there is chances of deprive of right of the plaintiff. Hence, this Court permitted him to lead the further evidence. Hence, this Court proceeds to pass the following;

ORDER

The I.A.No. XVI to XVIII filed U/Sec. 151 of CPC by the plaintiff is hereby allowed.

The evidence of the plaintiff is re-opened and the plaintiff is permitted to lead his evidence by submitting documents.

Further, the counsel for defendant No.1 has filed an application under Order XVI Rule 1 of CPC seeking the permission of the court to permit the defendant No.1 to lead the evidence through the witnesses as mentioned in the list of the witnesses enclosed along with the application. The said application will be considered after the evidence of the plaintiff.

Case is posted for further evidence of the plaintiff.

**Prl. Civil Judge & JMFC,
Sindagi.**