

IN THE COURT OF THE PRINCIPAL MUNSIFF, CHERTHALA

Present: Sri.Rovin Rodrigues, Principal Munsiff
Wednesday, the 5th day of March 2025/ 14th Phalgunam, 1946
IA No.03/2025 in O.S. No. 545/2021

(Filed on 13.02.2025)

Petitioner/Plaintiff:-

Radhakrishnan P.R.,
S/o. Raghavan Pillai,
Puthuveetil, Poochackal P.O.,
Thykkattusseri Vilage, Cherthala.

By Adv. V.P. Joseph.

Respondent/Defendant:-

Shamnad, Mandoppillyil,
Kumarapuram P.O. Ernakulam.

By Adv. E.D.Zacharias.

This petition having been heard on 05.03.2025 and the Court on the same day passed the following:-

ORDER

This is an application filed by the plaintiff under Order 18, Rule 17 CPC seeking to recall himself for the purpose of producing certain documents. It is alleged that only when the plaintiff was cross-examined by the defendant's counsel, he realised that a book containing some accounts and certain bills were in his possession. The petition is filed for the purpose of producing these additional documents.

2. Respondent /defendant filed objection and contended that the application is filed without any bonafides and that the documents sought to be produced by the plaintiff might be forged and fabricated. It was also argued that the case was posted for pretrial steps 8 times and the plaintiff has been cross examined at length. The petition has to be dismissed since the attempt of plaintiff is to fill up the lacuna and omissions in his evidence.

Reliance was placed on the decision of Hon'ble Supreme Court in **Bagai Construction v. Gupta Building Material Store AIR 2013 SC 1849.**

3. Heard and perused the records.

4. The petition is filed by the plaintiff for recalling him and producing a handwritten accounts book and certain bills. However, those documents are not seen produced. No application seeking leave under O.VII, R.14(3) CPC was also filed. The plaintiff was cross examined at length and sufficient opportunities were given for production of documents. Recalling the plaintiff once again and permitting him to produce new documents would cause serious prejudice to the defendant.

5. The Hon'ble Supreme Court in **Vadiraj Naggappa Vernekar vs Sharad Chand Prabhakar Gogate (2009) 4 SCC 410** has held that the main purpose of O.18,R17 is to be enable the Court, while trying a suit, to clarify any doubts which it may have with regard to the evidence led by the parties. The said provisions, are not intended to be used to fill up omissions in the evidence of a witness who has already been examined . Hence, I find that the petition is devoid of any merit and is liable to be dismissed.

As a result, IA is dismissed with costs to the Respondent/Defendant.

(Dictated to the Confidential Assistant, transcribed and typed by her, corrected by me and pronounced in the open Court on the 5th day of March 2025.)

Sd/-
Rovin Rodrigues
Principal Munsiff.

Appendix:-Nil

Sd/-
Principal Munsiff.

/True Copy/

Principal Munsiff.

*Fair copy of Order in
IA 3/2024 in OS.545/2021 dated
05.03.2025*