

R. C. S. No. 26/2014

M/s. Ratan Metals Thr.

Prop. Vinod Oswal

---- **Plaintiff****Vs.**

M/s. Yash Enterprises Thr.

Prop. Sou. Rekha Parte & Ors.

---- **Defendants****Order Below Exh. 71**

1. The plaintiff has filed this application to give exhibits to the documents filed at Sr.No.2 to 23 with list Exh. 30.

2. Defendants have taken strong objection by filling say at Exh.80. It is objection of the defendant that, the application is filed afterthought. Previously, plaintiff had given such application at Exh.47 which was decided finally after hearing both sides and it was rejected on 15/11/2017. Therefore, this application has bar of principle of res-judicata. Hence, the application be rejected and cost of Rs.15,000/- be given to defendants.

3. Heard both sides. Advocate for the plaintiff submitted that documents are proved as per Evidence Act. The plaintiff's application at Exh.47 was partly allowed on the reason that, documents are xerox and verified. But the documents at Sr.No. 2 to 4 and 12 to 23 of list Exh.30 are original. Documents at Sr. No.38 to 41 are computer printouts therefore, these documents need to be executed.

4. Read the application Exh.47 and order passed thereon. At the time of passing that order both sides were considered, documents were seen and the order was passed. According to plaintiff, the documents are original. In the order passed on Exh.47, it was mentioned that, the plaintiff had not submitted application to permit him to file verified documents instead of originals of them. Now the plaintiff is

saying that, these documents are original. After order was passed on Exh.47, the plaintiff had not filed any application for review of order in that respect. The plaintiff has filed again the same application. Previous application was decided on merits. Therefore, the documents as prayed by the plaintiff cannot be exhibited. Therefore, the application is liable for rejection. Hence, I pass the following order.

ORDER

Application stands rejected.

Dt. 09/01/2020
Karad.

(P. A. Savadikar)
Jt. Civil Judge Sr. Dn. Karad.