

Order No. 91 Date:-29.11.18

Parties fiile hazira. Both the Ld. Advocate are present in court.

Plaintiff moves the petition dt. 06.08.18 supported by verification,whereby he has prayed that at the time of examination of P.W-1 some documents including original Deeds which are 30 years old had been filed and in the affidavit in chief of the Plaintiff there is detail mentioned of the same but they have not been marked as exhibits. It is further stated that the Defendants had cross-examined the P.W-1 at length in respect of said documents.

Though no W.O has been filed by the Defendant, verbal objection has been raised. Vehement opposition has been raised in respect of marking of the said documents. It is submitted by the Ld. Advocate for the Defendant that the Plaintiffs should have taken appropriate steps by recalling P.W-1 or any other witness for the purpose of marking of the documents so that the Defendant get opportunity to cross-examine the witness on the point of those documents relied upon by the Plaintiff.

Have gone through the record and it appears that the Plaintiff filed several documents including record of rights original Deeds certified copy of Deeds on 03.08.07 which is lying in the record. The P.W-1 was examined on 13.09.07 but not a single document marked at that time. It is true that the Defendant has the right to cross-examine a witness in respect of the documents relied upon by him and he should not be deprived of the same. I find merit in the submission made by the Defendant.

Accordingly the petition filed by the Plaintiff on 06.08.18 stands rejected.

However, Plaintiff is always at liberty to take appropriate steps by recalling witness for the purpose of marking of the documents relied upon.

Fix 18.12.18 for argument / steps by the Plaintiff in light of the aforesaid order.

Dictated & Corrected by me.

C.J (Sr. Divn.) Lalbagh, Msd.

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