

Order No. 94 Date:-07.03.19

Parties fiile hazira. Plaintiff files a petition supported by affidavit praying for recall off P.W-1 for the purpose of marking of documents as Exhibits filed by them. Copy served. Both the Ld. Advocate are present in court.

Plaintiff moves the petition 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.

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 of his examination in chief. For the purpose of proving his case the documents are necessary for the Plaintiff to be marked as exhibits. However it is true that the same has been filed in a very belated stage when the record was fixed for argument. It is necessary that a dispute be adjudicated upon finally for which the instant petition is necessary to be allowed.

Hence it is

ORDERED

that the petition filed by the Plaintiff today for recalling P.W-1 for the purposed of marking of documents is hereby allowed with a cost of Rs. 200/- to be paid to the Defendant.

The Defendants will be at liberty to cross – examine the P.W-1 on the point of document.

Fix 28.03.19 for cost and evidence of P.W-1 on recall.

Dictated & Corrected by me.

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

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