

KABG040013092018



Presented on : 14-06-2018

Registered on : 14-06-2018

Decided on : 27-06-2025

PARTICULARS

i	Provision under which the application is filed	U/Sec. 151 of CPC and Under Order XVIII Rule 17 r/w Section 151 of C.P.C
ii	Relief sought for	Recall of DW.1
iii	The date on which the application is filed	29-11-2024
iv	Number of application	IA No.IV to VI
v	The date on which the objections are filed by different opponents	Submitted objection
vi	The date on which the orders were passed on the said application	26-07-2025

**ORDER ON I.A No.IV TO VI FILED BY DEFENDANTS
UNDER SEC. 151 OF CPC AND UNDER ORDER XVIII
RULE 17 R/W SEC. 151 OF CPC**

The I.A. No. IV to VI are taken together as they are concerned with the same relief.

I.A. No. 4 is filed seeking to reopen the stage of evidence of defendants for the purpose of cross-examination of DW.1. I.A. No. 5 is filed seeking to recall

the proceedings of the suit dated 19-11-2024. I.A. No. 6 is filed seeking to recall DW.1 for his cross-examination.

2. In the affidavit the defendant No. 3 has deposed on behalf of all the other defendants and submitted due to viral infection, he was not able to appear when the suit was posted for his cross-examination. Hence, sought for allowing of I.As.

3. Per contra, I.A. No. IV to VI are taken up together since they are concerned with the same relief. The counsel for plaintiff submitted objections to allow I.A. No. IV to VI and stated that the contentions taken by defendants are false and sought for rejection of application.

4. This Court is of the view that providing an opportunity to the DW.1 to offer himself for his cross-examination would held in proper adjudication and would entail better appreciation of evidence available on record which would lead to fair disposal of the case. Hence, this court proceeds to pass the following ;

ORDER

***I.A.No.IV and V filed U/Sec.
151 of CPC and I.A. No. VI U/Order
XVIII Rule 17 R/w Sec. 151 of CPC
by defendants is hereby allowed***

**subject to payment of costs of
Rs.200/-.**

**Proceedings of this suit dated
19-11-2024 is hereby recalled.**

**DW.1 is permitted to offer
himself for his cross-examination.**

**For cross of DW.1 by
22.07.2025**

Sd/-

**IV Addl. Civil Judge & JMFC,
Belagavi.**