

ORDER ON I.A.No. VI AND VII

IA No.VI is filed under section 151 of CPC of CPC by the Applicants/Defendants praying for recall of order dated 9-6-2022 by recalling PW1 for the purpose of cross examination.

2. IA No.VII is filed under Order XVIII Rule 17 R/W Sec. 151 of CPC to recall P.W1 for cross examination by set aside order dated 9-6-2022.

3. The applications are supported affidavits of defendant No.1. The plaintiff has filed objections to IA-VI, but during the argument Advocate for the plaintiff submitted by imposing cost may be allowed the applications.

4. I have heard both sides.

5. It is not dispute that P.W1 is not cross examined by defendants. On the record as well as the objections raised by the plaintiff clearly speaks that in spite of sufficient opportunity being granted the counsel for defendants not present in the open court at the time when case was fixed for cross examination of PW.1 on 9-6-2022. Even though considering the objections raised by the plaintiff in the ends of justice, if an opportunity is

given to defendants, no injustice will be caused to the plaintiff. On the circumstances if I impose certain cost, it will ends justice for both sides. Therefore, I proceed to pass the following:

ORDER

IA No.6 and 7 filed by defendants are hereby allowed on payment of cost of Rs.500/-. On being payment of the cost the case is reopened for the cross examination of P.W1 by the defendants.

Advocate for the plaintiff is hereby directed to keep present the P.W1 on the next date. Call on for cost and cross of P.W1 by 10-07-2024.

Senior Civil Judge, Bailhongal.