

20.04.2023

O.S.No.78/2011

The legal representatives of plaintiffs have filed I.A.No.11 and 12 for reopening the case from the stage of cross examination of PW.1 to the stage of further examination in chief.

The defendants No.7 and 8 have filed objections to the I.A.No.11 and 12 and their main contention is that, the case was posted for further chief of PW.1 on 21.08.2022 but, the PW.1 has not availed of the same and therefore, the case was posted for cross examination. After further cross examination of PW.1, the above applications are filed by the legal heirs of plaintiff and hence, they are not maintainable.

It is not denied that, the stage of the case was posted for further cross examination at the time of filing of these applications. However, the applicant legal representatives of plaintiff have submitted in the affidavit that, the photocopies are furnished at the time of filing of the

suit and the originals of the said documents are now proposed to be marked in evidence and therefore, it is necessary for them to mark those documents through the PW.1.

On considering the above facts into account, I proceed to pass the following:

ORDER

I.A.No.11 and 12 are allowed on costs of Rs.400/- payable to the defendants No.7 and 8.

The case is posted for further chief of PW.1 on **30.06.2023**.

**Prl. Senior Civil Judge & J.M.F.C.
Devanahalli.**