

Misc 11/2021

**ORDER ON I.A. FILED UNDER SECTION 151 OF CPC AND
APPLICATION FILED UNDER ORDER XVIII RULE 17 OF CPC**

The petitioner has filed the present application under Section 151 of the Code of Civil Procedure seeking to reopen the stage of the case and another application under Order XVIII Rule 17 of CPC seeking to recall PW.1 for the purpose of cross-examination.

The petitioner has sought an opportunity to recall PW.1 contending that the cross-examination of PW.1 is necessary for proper adjudication of the matter.

Heard the learned counsel and perused the records.

The records disclose that the matter has reached the stage of cross-examination of PW.1. Though the petitioner has not made out any sufficient or valid grounds for recalling the witness, considering the nature of the proceedings and in order to avoid multiplicity of proceedings and to put a logical end to the litigation, one opportunity deserves to be granted to the petitioner subject to payment of costs.

The petitioner shall not be entitled for any further opportunity, as sufficient indulgence is being granted by this Court.

Accordingly, the following order is passed:

ORDER

***The application filed under Section 151 of
CPC seeking reopening of the stage is hereby
allowed.***

The application filed under Order XVIII Rule 17 of CPC seeking recall of PW.1 for cross-examination is hereby allowed, subject to payment of cost of Rs.1,000/-.

PW.1 is recalled for the purpose of cross-examination.

It is made clear that the opportunity granted is a final opportunity. In case the petitioner fails to cross-examine PW.1 on the next date of hearing, the earlier order regarding non-cross-examination of PW.1 shall stand restored and no further opportunity shall be granted.

Call on 3.07.2026 for cross-examination of PW.1.

(Dictated to the Stenographer on computer, typed by her, revised, corrected and then pronounced by me in the open Court on this the 17th day of June, 2026.)

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