

OS No.582/2008

Case called out.

Plaintiff is absent.

Defendant No.1 is present.

Heard both sides on IA No.10 & 11.

IA No.10 & 11 have been filed from the plaintiff side to reopen the case and permission for further chief examination of the PW-1 relating to alienation of the suit item No.2 by defendants No.1 & 2 earlier to filing of the suit.

Counsel for the defendants No.1 & 2 objected the applications by filing written objections.

It could be seen from the Order Sheet and case papers that plaintiff examined on 16-08-2019.

When the matter listed for cross-examination of the PW-1, IA No.5 filed for impleading of defendants No.3 & 4.

It has been disposed and they have been impleaded and placed ex-parte after serving summons on 08-03-2022.

Subsequently matter adjourned for one or other reasons and PW-1

partly cross-examined from defendants side.

When the matter listed for cross-examination of the PW-1, IA No.7 has been filed on 18-10-2022 for amendment of the plaint relating to alienation of item No.2 by defendants No.1 & 2 earlier to filing of the suit.

It has been disposed on 31-03-2023, amendment carried out and amended plaint furnished.

Subsequently, additional written statement is filed by defendants No.1 & 2 and additional issues framed on 06-10-2023.

On 14-12-2023, plaintiff side evidence is closed. On perusal of entire Order Sheet, further cross-examination of the PW-1 is not completed and there is no order as to not tendering of PW-1 for further cross-examination.

When such being the case, I am of the opinion that sufficient opportunity is not given to adduce evidence relating to amended plaint and also there is no order has to further cross-examination of the PW-1 as nil.

Therefore, IA No.10 & 11 needs to be allowed subject to imposing further costs for causing delay.

Hence, I proceed to pass the following:

ORDER

IA No.10 & 11 are allowed on costs of Rs.500/- each.

For payment of costs and further chief examination of the PW-1 relating to amended plaint only by

27-09-2024

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