

30-01-2025

Plt. - M.K.,

Def.1, 3 to 7,9,10 - A.M.R.,

Def.2(a) to (g) - M.R.,

Def.8 - Ex-parte

ORDERS ON I.A.No.XVI & XVII

The instant applications have been filed by the counsel for plaintiffs to re-call the PW.1 for further cross-examination by re-calling the previous order.

2. In the affidavits, it is stated that the matter is now posted for arguments. The applicant could not attend the court when the matter was posted for cross-examination. The non appearance is for bonafide reasons. Hence, prayed to re-call the order and to permit the PW.1 to tender himself for cross-examination. The application is opposed by the counsel for the defendants by stating that the same is filed only to delay the proceedings. It is stated that PW.1 filed affidavit in the year 2016 and he remained continuously absent. Hence, prayed to reject the application with cost.

3. Heard both the sides.

4. On going through the records of the case, it is appearing that after taking the cross-examination of PW.1 as nil the defendants filed applications and re-called her for cross-

examination twice. Subsequently, the PW.1 was re-called, she appeared before the court and prayed time to engage the service of another counsel. However, she did not appear before the court. Later, her cross-examination taken as nil. The delay is not only caused by the plaintiff but also by the defendants as well. The PW.1 deserves an opportunity to tender herself for cross-examination. Accordingly, the plaintiffs have made out grounds to allow the applications. **Hence I proceed to pass the following.**

O R D E R

I.A. No XVI and XVII are allowed.
PW. 1 is recalled to tender herself
for further cross-examination by
the defendants.

No order as to cost.
**For further cross of PW.1 as
last chance by : 19.02.2025.**

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