

COMMON ORDER ON IA.No.5 & 6

The defendant has filed I.A.No.5 U/sec.18 Rule 17 of CPC and IA.No.6 U/sec.151 of CPC seeking an Order to reopen the case, recall of PW1 for further crosse examination. These Interim applications were filed at the stage of defendant evidence.

2. In the affidavit, it is stated that, defendant could not further cross examine PW.1 as his counsel met with an accident. If the applications are allowed, no hardship will be caused to the plaintiff as he will get an opportunity to disprove the case of defendant. If the Applications are not allowed, it will cause much hardship to the defendant. Hence prays to allow the Applications.

3. On the other hand, the plaintiff has filed common objection to IA No.5 & 6 contending that, said applications are not maintainable. Defendant has not stated proper reasons to allow the applications. Sufficient time was granted. In spite of sufficient opportunity defendant did not cross examined PW.1. If the applications are allowed it will cause much hardship to defendant. Hence, prays to reject to Application.

4. Heard the arguments of both side.

5. The following points arise for my consideration:

1. Whether the Defendant has made out grounds to allow the IA.No.5 & 6?

2. What order?

6. My answers to the above points are as follows:

Point No.1 : In the **AFFIRMATIVE**

Point No.2 : As per the final order,

for the following: -

REASONS

7. Point No.1 :- The defendant has filed these application seeking permission to further cross examine PW.1. It is the settled principle of law that, both parties shall be given opportunity to prove their case. It is true that, the defendant

has filed this applications after completion of plaintiff evidence. If the applications are allowed, it will not cause any hardship to the plaintiff. The plaintiff will get an opportunity to disprove the case of the defendant. Hence the defendant has made out grounds to allow the applications. Hence **Point No.1** is answered in the **AFFIRMATIVE**.

8. Point No.2:- For the aforesaid reason and discussion, I proceed to pass the following:-

ORDER

**I.A.No.V filed by the Plaintiff
U/sec.18 Rule 17 of CPC and I.A.No.VI
U/sec.151 of CPC are hereby allowed
on cost of Rs.500/-.**

**In the result defendant is
permitted further cross examine PW.1.**

No order as to cost.

(Dictated to the Stenographer on computer and computerized by her, corrected by me and then pronounced in the open court on this the **3rd day of March 2026.**)

**(VENKATESHA.N)
PRL. CIVIL JUDGE & JMFC.,
DEVANAHALLI.**

(Order pronounced in the open court in separate)

ORDER

**I.A.No.XIX filed by the Plaintiffs
U/sec.151 of CPC, I.A.No.XX under
Order 18 Rule 17 R/w Sec.151 of CPC
and IA.No.XXI U/O 7 Rule 14(3) R/w
Sec.151 of CPC., are hereby allowed on
cost of Rs. 300/-.**

**In the result the PW1 is permitted
to lead further chief examination and
produce additional documents.**

**PRL. CIVIL JUDGE & JMFC.,
CHAMARAJANAGARA.**

For further Chief examination
by 02.05.2025.