

14.8.2018. OS.222/10.

**ORDER ON IAs.**

The Defendant No.1,5 and 6 have filed this IA., under order 18 rule 17 r/w sec. 151 CPC seeking to recall PW.1 and permit him to further cross-examine the PW.1 in the interest of justice.

2. The defendant No.6 has stated in his evidence that the above case is stands posted for defendants evidence today, He state that by oversight and inadvertence, he was not able to instruct his counsel to cross-examine on some of the exhibits, The same was noticed by him after applying the certified copy of the deposition and further he was not able to give instructions to his counsel to cross-examine PW.1 on the said documents, as it is very much necessary to resolve the issue raised in the above case. On the above pleadings the defendant No.6 prays to allow the application

3. The learned counsel for Plaintiffs filed objection to the application stating that in the light of the fact that the documents have come into existence after the lis has began hence the same are in admissible in evidence and frurther the said documents does not have any bearing over the subject matter in issue before this Hon'ble court.

The defendants are not made out sufficient cause to support the application. It is significant to note that the case of the plaintiffs in the year 2010. All most 8 years have completed for adjudication of case. The application is otherside frivolous, vexatious and unnecessary and is made with the sole intention of buying time with a view to protract the proceedings. The plaintiffs denied the other averments made in the application/ affidavit. Hence, pray for rejection of the application.

4. I have heard on both side and perused the records.

5. The learned counsel for defendants submitted that in his affidavit after the closure of evidence of plaintiff side, the suit is posted for cross-examination of PW.1 . On perusal of record the court provided sufficient opporntenities to further cross-examine the evidence of PW.1 . On 17.7.2018 PW.1 was cross-examined, .after wards the hon'ble court was posted the suit for further evidence of plaintiff. after wards the plaintiff not filed any witness list and not leaded any further eviedence, at this time, he defendant filed above said IA/, and the defendants not specifically stated which fact is excluded in the cross-examination. Cross-examination of PW.1 is already completed, hence, I

am of the opinion that he applicants/ defendants are not at all made out any grounds for granting permission to recall PW.1 for further cross-examination.

Hence the application filed by the Defendant No.1,5 and 6 is rejected.

Prl., Civil Judge & JMFC.,  
Hosakote.

