

ORDER ON I.A NO.8 & 9

Perused IA No.8 and 9 it appears that the plaintiff files application under section 151 of CPC. For reopen the case and IA No.9 under order 18 Rule 17 of CPC in order to recall the PW1 for the purpose of further examination in chief.

On the other hand the counsel for defendant filed objection to the said applications.

Heard, argument on the side of plaintiff. The defendants not submitted arguments on I.A No.8 and 9.

It is noticed from the order sheet of this case, the case posted for cross of PW1 at the stage the present application was filed. The plaintiff has intended the produced documents and adduced evidence to prove the case. If plaintiff is permitted to lead further chief

examination the defendants have right to cross examined the plaintiff. Moreover, it is not proper to curtail the parties from producing respective evidence on technical grounds. Therefore, this court opinion that it is just and necessary to recall the PW1 in order to further chief of PW1. However, on perusal of order sheet this

court it is noticed, they caused delay by filing this application for that the plaintiff have to compensate by way of cost to the defendants. Hence, keeping in view of the facts and circumstances of the case, the application filed by the plaintiff is allowed on cost of Rs.200/-. Hence, PW1 is recalled.

For Further chief of PW1.

Call on:25.11.2022.

Sd/-
Addl. Civil Judge & JMFC,
Kadur