

ORDER ON I.A.NO.VI

The present application has been filed by the defendant under Order XVIII Rule 17 R/w Sec.151 of C.P.C seeking permission of this court to recall the side of defendant for the purpose of leading further examination in chief of DW1.

2. Wherein the application the learned counsel for defendants contends that on 19.07.2025 the defendant has filed memo along with document and the same has not been marked on behalf of plaintiff. Now the same came to the knowledge of the defendant and in order to prove his case the marking of said document is necessary and prays to allow the application.

3. On the other hand, learned counsel for plaintiff present and filed objection by stating that when the matter has been posted for further defendant evidence the defendant has come up with this application only in order to drag on the proceedings and prays to reject the application.

4. Heard both the parties and perused the material placed on records.

5. When matter has been posted for further defendant evidence, the defendant has come up with the application by stating that, due to oversight and

OS No.2/2019

mistake the document produced by the defendant on 19.07.2005 has not been marked on behalf of the defendant and in order to prove his case the marking of said document is necessary. On perusal of the materials on record there is a stated by the defendant shows bona-fide and unintentional. In the interest of justice and equity it is necessary to provide an opportunity for the defendant to recall the DW1 and to proceed with his case. In view of above said reason this court proceed to pass the following;

ORDER

I.A.No.VI filed by the defendant under Order XVIII Rule 17 R/w Section 151 of CPC, is hereby allowed.

By recalling the DW1 and DW1 is here by permitted to lead his further chief examination and also permitted to cross examination.

Call on:18.02.2026.

Sd/-

**I Addl. Civil Judge & JMFC.,
Mudigere.**