

COMMON ORDERS ON I.A.NO.IX AND X

The present applications are filed at the stage of further defendant evidence. The defendants have filed the present applications under Section 151 of CPC and under Order XVIII rule 17 R/w Section 151 of CPC seeking reopen and recall of PW.1 for further examination.

2. It is the contentions of the plaintiff that while cross examining the PW1, the defendants could not put some important question with respect to the documents produced by the PW1 by oversight. Hence, filed the present application seeking recall and reopen the evidence of PW1.

3. On the other hand, the learned counsel for plaintiff has filed the common statement of objections to the applications contending that the applications are belated one and devoid of merits and the said application are filed only to drag on proceedings and not stated specific reason for reopen and recalling the PW1. Hence prays to reject the applications.

4. Heard both side and also perused the materials on record. Learned counsel for the plaintiff has also list out the citation in support of his arguments.

5. By way of the present applications, the defendant is seeking permission of this court to cross examine the PW1 by stating that due to oversight while examining the PW1 some question has not been put to the PW1 and the same are necessary to prove his case. On the other hand defendant objected the said application are filed only in order to drag on the proceedings. Even though there is a delay in filing the applications in the interest of justice and to avoid the multiplicity of proceedings. It is necessary to provide an opportunity to defendant to cross examine the PW1 for a limited purpose. Hence proceeds to pass the following;

ORDER

I.A. No.IX and X filed by the defendants under Section 151 of CPC and under Order XVIII rule 17 R/w Section 151 of CPC are hereby allowed.

The evidence of PW1 is hereby reopened and PW1 is recalled for further examination in chief by: 29.10.2025.

Sd/-

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