

KADG520002012018



IN THE COURT OF THE ADDL. CIVIL JUDGE & JMFC.,  
HONNALI.

Dated on this 24<sup>th</sup> day of June 2026

PRESENT:  
Sri. PUNYAKOTI S N  
B.A LL.B.,  
Addl. Civil Judge & JMFC.,  
Honnali.

O.S. No.34/2018

Plaintiff : Smt. Goharjohn

V/s

Defendants : Ranganagowda and others

Parties in IA.No.6 and 7

Applicant : Ranganagowda his GPA

V/s

Opponent : Smt. Goharjohn

ORDER ON I.A.NO.VI and VII

These applications filed by the defendant No.1 U/o.18 Rule 17 and Sec.151 of CPC, with a prayer to recall and reopen the stage for further cross-examination of PW-1.

2. These applications are supported by the affidavits.

In the annexed affidavits, it is submitted that, he is the GPA holder of defendant No.1. Further, averred that during the cross examination of PW 1 some of the important questions are omitted. Hence, further cross examination of PW 1 is just and necessary to prove his case.

3. On the other hand, the plaintiff filed common objections to the applications by contending that, the present applications are filed only to drag on the proceedings. PW 1 has already cross examined by the defendant. Hence, recalling the PW 1 again for cross examination is an abuse of process of law. The defendant has given vague reasons. To fill up the lacunae, witness cannot be recalled. Defendant has already availed sufficient opportunities. Hence these applications are not maintainable. Hence prayed to dismiss the both the applications.

4. Heard both side. Upon hearing arguments and on perusal of materials placed on record the following points that would arise for my consideration.

1. Whether applicant/defendant No.1 has made out grounds for allowing the said applications?

2. What order?

5. My findings to the above points are as under.

Point No.1: In the Affirmative.

Point No.2 - As per order for the following;

### REASONS

6. POINT NO.1: -It is well settled legal principles that, courts while deciding such matters, matters should not adopt hyper technical approach and liberal approach should be the general rule, particularly in cases where the other side can be compensated with the costs. Technicalities of law should not be permitted to hamper the courts in the administration of the justice between the parties.

7. However it cannot be lost sight of the fact that, interests of both the parties needs to be balanced. On perusal, plaintiff is examined as PW-1 by filing chief examination affidavit and cross examined by defendant No.1. Now at the stage of arguments, the defendant No.1 has filed these applications for further cross examination of PW 1. the reasons assigned by the applicant that he is going to elicit some of the important aspects for his defense. Though the plaintiff opposed the applications, it is just and necessary to allow the defendant No.1 to further cross examine the PW-1 in order to give an opportunity to defend his defense by imposing cost for delay in filing the applications. Hence in the interest of justice and equity, I answer the point No.1 in the Affirmative.

8. POINT NO.2 :-In view of the reasons assigned

above, I proceed to pass the following;

ORDER

IA.No.VI U/o.18 Rule 17 r/w Sec.151 of CPC and IA No.VII U/Sec.151 of CPC filed by the defendant No.1 are hereby allowed on cost of Rs.500/- each.

PW.1 is hereby recalled for further cross-examination by the defendant No.1.

[Dictated to the stenographer directly on computer, typed by her, corrected and then pronounced by me in the open court on this 24<sup>th</sup> day of June, 2026].

(Punyakoti S N )  
Addl. Civil Judge and JMFC.,  
Honnali.

Case called out.

(Order pronounced in the open  
Court, vide separate order)

ORDER

IA.No.VI U/o.18 Rule 17 r/w  
Sec.151 of CPC and IA No.VII  
U/Sec.151 of CPC filed by the  
defendant No.1 are hereby  
allowed on cost of Rs.500/- each.

PW.1 is hereby recalled for  
further cross-examination by the  
defendant No.1.

ACJ., Honnali.