

ORDERS ON APPLICATIONS

The respondent has filed the application U/o. 18 Rule 17 of CPC and U/sec.151 of CPC to recall and reopen the stage of this case from cross-examination of RW.1 to further examination in chief of PW.1 along with medical certificate issued by 'Dr. Sukumar K'.

2. He has sworn to an affidavit, wherein he has stated that on last date of hearing he was suffering from fever and for that reason he was not able to attend the court for further examination in chief and has produced medical certificate in support of the same.

3. Further he has submitted that, he has produced documents along with applications and for that reason it is just and necessary to reopen the case to mark the documents and accordingly submits to allow the application.

4. Further he has filed application U/o.7 Rule 14 r/w Sec.151 of CPC along with medical bills and other documents with submission to condone the delay in filing the documents.

5. He has sworn to an affidavit, wherein he has stated that the documents stated in the application are very relevant to prove his defence and for that reason submits to allow the same.

6. On the other hand, the petitioner has filed common objection submitting that on 14.11.2025 respondent evidence was taken as nil and on 21.11.2025 the respondent has filed application U/sec.311 of Cr.P.C to recall evidence of respondent which is wrong provision and even though on 06.02.2026 said application was allowed and on 6.02.2026 he was examined as RW.1, but has taken time for further examination in chief and again on 2.03.2026 he has sought

time, which came to be rejected and further examination in chief is taken as nil and again he has filed this application, but the applications does not disclose genuine and cogent reasons and for that reason submits to dismiss the applications.

7. Heard and perused.

8. The petitioner has filed this petition U/sec.13(1)(ia) of Hindu marriage Act seeking Decree of Divorce against respondent and for permanent alimony a sum of Rs.25,00,000/-.

9. Further on 24.10.2025 PW.1 was fully cross-examined and thereafter case was posted for respondent evidence on 14.11.2025 and on 14.11.2025 respondent and counsel for respondent were absent and for that reason respondent evidence was taken as nil and posted for arguments on 21.11.2025 and on 21.11.2025 the respondent had filed applications U/sec.311 of Cr.P.C, though applications were filed under wrong provision, but in the interest of justice same came to be allowed on 06.02.2026 and posted for respondent evidence on 16.02.2026.

10. On 16.02.2026 respondent got examined as RW.1 and on request case deferred to further examination in chief on 2.03.2026 and on 2.03.2026 RW.1 was absent and advocate requested time, which came to be refused and posted for cross-examination and now the respondent has filed these applications.

11. Further in the affidavit annexed to application, it is submitted that on 2.06.2026 he was suffering

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from ill health and for that reason he was unable appear before this court and in support of his contention he has produced medical certificate dated 2.03.2026, which goes to show that he was suffering from cold and fever from 2.03.2026 to till 4.03.2026 and for that reason due to ill health the respondent has not appeared before this court and for that reason applications deserves to be allowed subject to cost and accordingly I proceed to pass the following:

ORDER

Applications filed by the respondent under Order 18 rule 17 of CPC and U/o.7 Rule 14 r/w Sec.151 of CPC are hereby allowed on cost of Rs.500/- to be paid by other side.

For further chief of RW.1.

**Senior Civil Judge & JMFC.,
Bantwal, D.K.**