

**Order on IA Nos.5 and 6 filed under
Section 151 of C.P.C. and Order XVIII
Rule 17 of CPC by the Respondent**

The respondent filed these applications praying before this court to reopen the stage of the case and recall P.W.1 and permit the respondent to cross-examine the P.W.1.

2. The respondent submitted that, on 19-02-2026, the respondent could not appear before the court and also her counsel, as the counsel for respondent was held up at Mangaluru Court. Hence, this court closed the stage of the case. Hence, prayed to allow these applications.

3. The petitioner filed common objections denying the application averments and submitted that on 30.11.2024, the above case was posted for cross-examination of P.W.1 and the same stage continued till 28.01.2025. On 18.07.2025, the P.W.1 was partly cross-examined and the matter was posted for further cross-examination on 25.09.2025. The prayer of the counsel for the respondent in the presence of the witness was allowed

on the said date and the matter was posted for further cross-examination of P.W.1 on 19.02.2026. On the said date, the prayer of the respondent was rejected by this court. The conduct of the respondent is very clear that, he is intentionally dragging the matter. There is no sufficient and satisfactory reason to allow the applications. Hence, prayed to dismiss the applications.

4. Heard both the sides.

5. On perusal of the materials it is quite evident that, the P.W.1 has been partly cross-examined. The prayer of the respondent was allowed on different occasions, but on 19.02.2026, the prayer was rejected as there was no any sufficient grounds made out by the respondent.

6. However, this court being the court of first instance, I am of the opinion that, providing an opportunity to the petitioner to cross-examine the witness by imposing stringent cost and condition will not cause any hardship to the petitioner. Hence, I proceed to pass the following:

ORDER

The applications filed by the respondent under Section 151 of C.P.C. and Order XVIII Rule 17 of CPC., are hereby allowed at cost of Rs.200/-

The cost shall be payable to the petitioner by the respondent.

The case of the stage is reopened. The P.W.1 is recalled. The respondent shall further cross-examine the witness at a stretch without seeking further adjournments in the next hearing date.

Call for cross of P.W.1 by 13-08-2026

**(Fawaz P.A.),
Civil Judge & JMFC,
Moodbidri, D.K.**