

THE COURT OF IV ADDL. SENIOR CIVIL JUDGE
AND J.M.F.C., DHARWAD

Present: SRI. ANAND S.KARIYAMMANAVAR
B.A. L.L.B(Hon's)
 IV Addl. Senior Civil Judge
 & J.M.F.C., Dharwad.

MVC No.507/2023

Dated : 6th day of August 2025

Petitioner/s: Smt.Neetu W/o Mukesh Jain & another.

 $V/s.$

Respondent/s: Raghavendra Shet S/o Radhakrishna Shet,
and others.

PARTIES TO IA NO.IX

Applicant/s: New India Assurance Co.Ltd., and others.
(Res No.3)

 $V/s.$

Opponents: Smt. Neetu W/o Mukesh Jain & another.
(Ori. Pets)

ORDER ON IA No.IX

The counsel for respondent No.2 filed present application under Order 18 Rule 17 R/w Section 151 of CPC, thereby sought to permit it to recall the PW.1 for cross examination by the respondent No.1, 2 and 4, by setting aside the order dated 13.03.2024.

2. Further the respondent No.2 filed memo of facts in support of this application and submitted that, the petitioner have filed present petition for compensation on account of death of their son in the Road Traffic Accident. On 13.03.2024 when matter was posted for cross examination of Pw.1 by the respondents, Honb'le Court by the noting the absence of respondents, taken cross of examination of Pw.1 as nil and non cross examination of PW.1 is not intentional one, hence prayed to allow the application.

3. The counsel for the petitioners have not filed any objection to present application.

4. Heard the counsel for respondent No.2 and perused the material available on record.

5. Now the following points arise for my consideration.

1.	Whether the application filed by the respondent No.2 deserves to be allowed ?
2.	What order ?

6. My answers to the above points are as under.

Point No.1 : In Affirmative.

**Point No.2: As per the final order,
for the following:**

REASONS

7. **Point No.1:-** This is a petition filed by the petitioners against the respondents for the relief of compensation. When the matter was posted for cross of PW.1 by respondent No.1, 2 and 4, this Court by noting absence of respondents, taken the cross examination of PW.1 as nil. But for fair adjudication of the case, it is just and necessary to recall the Pw.1 for cross examination and if present application is allowed no hardship will be caused to other side. Hence, for the above stated reasons, I have answered **point No.1 “in Affirmative”**.

8. **Point No.2:-** For the reasons stated while discussing **point No.1**, I proceed to pass the following:-

ORDER

***IA No.IX filed by the respondent No.2
under Order 18 Rule 17 R/w Section 151
of CPC is hereby allowed/ with cost of***

Rs.200/-.

**Consequently, the order dated
13.03.2024 is set aside and PW.1 is
recalled.**

(Dictated to stenographer directly on computer, typed by her, corrected and then pronounced by me in the open court on
6th day of August 2025)

(Anand S Kariyammanavar)
IV Addl. Senior Civil Judge,
& J.M.F.C., DHARWAD.

For order
06-06-2025

(Order pronounced in the open Court vide separate order)

ORDER

***IA No.XXIII filed by the defendant No.7
under Order 18 Rule 17 R/w Section 151
of CPC is hereby allowed with cost of
Rs.500/-.***

***Consequently, the order dated
21.03.2025 is set aside and PW.1 is
recalled.***

(Anand S Kariyammanavar)
IV Addl. Senior Civil Judge,
& J.M.F.C., DHARWAD.

For cross of PW.1 by defendant No.7,
call on 16.06.2025