

The Advocate for respondent No.2 has filed application U/Sec. 151 of CPC seeking permission of the court to file objection and another application U/O. 18 R. 17 of CPC for recall of PW.1 for cross-examination. The Advocate for respondent No.1 has filed application U/O. 18 R. 17 of CPC for recall of PW.1 for cross-examination and another application U/Sec. 151 of CPC to set-aside the order dated 26.11.2025.

The Advocate for petitioner has not filed objection.

On perusal of order sheet it shows that, beyond 120 days the respondent No.2 has filed this application seeking permission of the court. The Hon'ble High Court of Karnataka in the case of **New India Assurance Co. Ltd. Vs. Smt. Basavva and another** in para No. 8 it is held that, Rule 254 provides that, some of the provisions of the CPC are made applicable to the proceedings before the claims Tribunal. As per Rule 254 only O. 8 R. 2 to 5 and R. 9 and 10 are made applicable while dealing with the application filed by the claims Tribunal. From this it is clear that, the provision of O. 8 R.1 or the amended provisions of O. 8 R. 1A and O. 8

R. 6 to 8 are not applicable to the cases to be tried by the claims Tribunal. If O. 8 R. 1 and 1A of CPC are not applicable to the cases by the claims Tribunal, therefore, O. 8 R.1 of CPC are not applicable to the cases tried by the claim Tribunal. In view of judgment of Hon'ble High Court of Karnataka, the O. 8 R. 1 of CPC is not applicable to this Tribunal. Therefore, I proceed to pass the following;

ORDER

The application filed by Advocate for respondent No.1 and 2 U/Sec. 151 of CPC and O. 8 R. 17 of CPC R/w 151 of CPC are hereby allowed on payment of cost of Rs. 500/-.

Sd/-

Pri. SCJ, Hubballi.