



**ORDERS ON I.A.No.7**

The respondent has filed this application under Order 18 Rule 17 R/w Section 151 of CPC to recall the PW-1 for further cross-examination.

2. The respondent in his affidavit filed along with this application has stated that the first appellant has been examined as PW-1 in full. Thereafter, he found some important documents relating to the suit schedule properties and hence, it is necessary to cross-examine the PW-1 in further. Therefore it is necessary to recall the PW-1 for further cross-examination. If the application is allowed, no hardship or injury will be caused to other-side. Hence, it is prayed to allow I.A.No.7.

3. The appellants in their objections have taken contention that the respondent has not stated on which point he wants to cross-examine the PW-1 in further and also not cleared on which documents he want to cross-examine the PW-1. The respondent only with an intention to prolong the proceedings has filed this application. Only in-respect of limitation point on which the PW-1 has led her evidence. Therefore, the respondent has not made out any grounds to allow IA.No.7.

4. Heard both sides on I.A.No.7.
5. Then the following points arise for consideration of this Court are as under:-
  - 1) Whether the respondent has made out sufficient grounds to allow I.A.No.7?
  - 2) What order?
6. My findings on the above points are as under:
  - Point No.1 : **In the Affirmative**
  - Point No.2 : As per final order for the following:

### **REASONS**

7. **Point No.1:** The appellants have filed this appeal against the judgment and decree passed in O.S.No.299/2022 by the trial Court along with IA.No.1 under Section 5 of limitation Act to condone the delay of 451 days in preferring this appeal. Subsequently the appellant No.1 got examined as PW-1 on IA.No.1 and she has been cross-examined by the learned counsel of the respondent. Thereafter, the respondent got examined as RW-1 and when the case was posted for arguments on merits and on IA.No.1. the respondent has filed this application. No doubt the respondent has not cleared on which point or on which document he is intending to cross-examine the PW-1 in further, but the appellants are also

having every chances to cross-examine the RW-1 in further. Therefore, in order to meet the ends of justice, it is just and proper to allow this application by imposing suitable cost on the respondent. Hence, **my finding to point No.1 is in the affirmative.**

8. **Point No.2:** In view of the reasons and finding given to point No.1, the following is made:

**ORDER**

IA.No.7 filed under Order 18 Rule 17 R/w  
Section 151 of CPC is hereby allowed on cost  
of Rs.100/-.

Accordingly, PW-1 is recalled for further  
cross-examination on IA.No.1.

(Dictated to the Stenographer, transcribed and computerized by  
her, corrected and then pronounced by me in the open Court on  
20<sup>th</sup> day of September 2025)

**(Kirankumar D.Wadigeri)**  
**Senior Civil Judge & JMFC,**  
**Arsikere.**