

06.12.2024

ORDER

The applicant/defendant No.2 filed instant applications under Order 18 rule 17 R/w Sec.151 of CPC and under Sec.151 of CPC and seeking recalling of PW1 for the purpose of further cross examination of PW-1.

Other side has filed objection.

On perusal of entire materials on record, the suit is filed for partition and separate possession. Now the suit is adjourned for defendant side evidence. By this time applicant come up with these instant applications. The contention of opponent is that, in order to drag the proceedings and to fill up the lacuna in case, applicant come up with these instant applications. It is significant to note that, if applications are not allowed applicant would be frustrated from proving her defence. More over if applications are allowed no such hardship would be caused to other side and other side would be given an opportunity to do further evidence of plaintiffs and delay can be met by imposing cost of Rs.2,000/-.Therefore, I proceed to pass the following order:

ORDER

Applications which are filed under Order 18 Rule 17 R/w Sec.151 of CPC and Sec.151 of CPC are hereby allowed on cost of Rs.2,000/-.

PW1 is recalled for further cross examination.

Call on

Senior Civil Judge and JMFC.,
Channarayapatna