

**(I.A NO No.XXV AND XXVI. FILED
AT THE STAGE OF CROSS OF
P.W.1)
ORDERS ON I.A.NO. XXV AND
XXVI.**

I.A.No. XXV filed by the counsel for the plaintiff U/o. 18 rule 17 R/w Section 151 of CPC seeking to re-open the plaintiff evidence and recall the P.W-1 and permit him to lead further evidence.

In support of the I.A. No.XXV filed affidavit In stating that, plaintiff has filed the suit for eviction. Further stated that the defendant has prepared appeal in R.A.No.39/2020 on the file of Senior Civil Judge and JMFC., Channarayapatna the said appeal is dismissed. Hence, the plaintiff intend to mark the judgment and decree of R.A.No.39/2020 on behalf of him. Hence, he prays to re-call the P.W.1. Hence he prays to allow the application.

I.A.No.XXVI filed by counsel

for the plaintiff under order 7 Rule 14(3) of C.P.C. prays to condone the delay to filing the documents.

In support of I.A.No.XXVI filed affidavit stating that, plaintiff has filed the suit for eviction. Further stated that the defendant prepared appeal in R.A.No.39/2020 on the file of Senior Civil Judge and JMFC., Channarayapatna the said appeal is dismissed. Hence, the plaintiff intend to mark the judgment and decree of R.A.No.39/2020 on behalf of him. Delay in filing the documents is not intentional but for the aforesaid reason. Hence he prays to allow the application.

The counsel for the defendant submitted that application may be allowed with cost.

Heard on both sides and perused the materials.

The suit is for the relief of Eviction. The evidence of the plaintiff completed. When the case has been posted for cross of P.W.1 instant I.As. are filed.

Rule 17 of Order XVIII C.P.C.

states that “ ***the court may at any stage of the suit recall any witness who has been examined***”.

As per the above provision, the court may permit the party to recall any witness for further examination at any stage of the suit that includes the stage even after completion the evidence of the parties. However, it is the discretionary power of the Court.

Keeping all these aspects in mind, Court opinion that it is necessary to allow the I.As. in the ends of justice and equity & also for the proper adjudication of the case and also in order to avoid the multiplicity of proceedings. Hence, I proceed to pass the following:-

:: O R D E R ::

I.A.No. XXV and XXVI have filed by learned counsel for the plaintiff under Order XVIII Rule 17 R/w Section 151 of CPC and I.A.No.XXVI under order 7 Rule 14 (3) of CPC. are

hereby allowed on costs of
Rs.200/-

P.W.1 present. P.W.1
further examined Exhibit P.18
is marked.

For cross of P.W.1.

Call on 18-04-2023.

III A.C.J.Channarayapatna.