

ORDERS ON I.A NO.21 & 22

The counsel for the 7th defendant filed I.A No.21 U/o18 Rule 17 r/w Sec.151 of C.P.C and I.A No.22 U/s 151 of C.P.C praying to re-open the case by recalling PW.1 for further cross examination by 7th defendant in the interest of justice.

2. On the contrary the counsel for the plaintiff filed objection to the said application stating that the 5th defendant had already cross examined PW.1 and other witnesses on behalf of the 7th defendant as guardian. Therefore there is no need to re-open and recall PW.1 for further cross-examination and prays to reject the application.

3. Heard by the sides and perused material on record.

4. The present suit has been filed by the plaintiffs against the defendant for the releif of partition and separate possession in respect of the suit schedule properties. The present application has been filed by the 7th defendant praying to re-open the case by recalling PW.1 for cross-examination.

5. On perusal of the file it appears that the 7th defendant was not the party as

defendant at the time of filing of the suit. Thereafter, the plaintiffs have impleaded defendant No.6 and 7 in the case by filing application. Further on perusal of the file it appears that on behalf of 7th defendant one Sri.KJD Advocate filed vakalath on 10.01.2024. Before filing vakalath the case was posted for arguments after conclusion of evidence of both side. At this stage it is necessary to give opportunity to the 7th defendant to cross-examine PW.1 further. If the application is allowed by imposing cost no hardship would be caused to the plaintiff and also to avoid multiplicity of proceedings it is necessary to allow the application. Hence this court proceed to pass the following:

O R D E R

I.A No.21 and 22 filed by the 7th defendant is hereby allowed on cost of Rs.2000/-.

The case is re-opened and PW.1 is recalled for cross-examination by 7th defendant.

For cross of PW.1 by 7th defendant.

Call on: 22.08.2025.

***Prl. Civil Judge & Jmfc,
Channarayapattana.***

