

Plaintiff present and defendant counsel absent, no representation. Objection to I.A. No. 10 taken as not filed.

Hearing heard,

ORDERS ON I.A. NO. 10

Advocate for plaintiffs filed I.A. No. 10, U/o 18 Rule 17 of CPC., recall the DW-1 for the purposed of Cross of DW-1.

2. Defendant not filed objections.

3. Heard on application.

4. Advocate for Plaintiffs in his affidavit filed along with I.A. No.10 stated that on dated 11-09-2024 the counsel for plaintiff attend the Legal Aid function in KLE., English Medium School, Hence, it is not possible to counsel for cross examination of DW-1. Non cross examination of DW-1 is not intentional and deliberate one.

Now matter is posted for further defense evidence. Therefore the Cross of DW-1 is necessary to prove the plaintiff suit. Hence he prayed to allow the application.

5. The present suit is filed for the relief of Declaration and Injunction. The top noted the case fixed for evidence remaining defendant. The plaintiff is prayed to recall the DW-1 for the purpose of cross examination to prove is case. Hence I am of the view that if application is not allowed valuable rights of plaintiffs will be lost in immovable properties. In respect of delay may be compensated by imposing costs. Hence, I proceed to pass the following;

ORDER.

I.A. No. 10 filed by Plaintiffs U/o.18 Rule 17 of CPC., is hereby allowed.

For further plaintiff is directed to Cross examine the DW-1 without seeking adjournments. Other wise the order passed by this court will be recalled.

For Cross of DW-1.

Call on 06-11-2024.

Sd/- 22-10-2024

Addl. Senior Civil Judge and
JMFC., Haveri.

