

Case called out.
For Orders kept by.

ORDERS I.A. No. III and IV

1. This common order arises out of the I.A.No. III and IV filed by the Plaintiff U/O 151 of CPC and U/O 18 rule 17 of CPC seeking permission to reopen the evidence of DW-3 and recall the DW-3 for cross examination. In the affidavit the plaintiff submitted that the they have filed suit for Declaration and possession against the Defendants and the DW-3 is not cross examined. If the cross of DW-3 is not made, the evidence of DW-3 is remained unchallenged. If the application are allowed, no harm or prejudice will cause to Defendants Therefore prayed allow the I.A. No. III and IV.
2. On the other side counsel for Defendants submits it may be allowed on heavy cost.
3. Perused and heard both sides.
4. The following point arises for the considerations:

:: POINTS ::

**1) Whether the I.A. No. III and IV
are deserved to be allowed ?**

2) What order?

5. My answer to the above points are as follows:

Point No.1: In the Affirmative.

Point No.2: As per the final order for
the following:

REASONS

6. **Point No.1:** In support of above interim applicant the plaintiff has filed affidavit stating that this is suit for Declaration and possession against the defendants. The matter is posted for final argument. Due to some un-avoidable circumstances and counsel was out of station, for which the cross of DW-3 is taken as nil. Under the facts and circumstances of the case, If the present applications are allowed, there will be no prejudice to the defendants and it wil not cause any lose or hardship to the defendants. Further, to eliecite the truth of testominy of DW-3, the cross examination is necessary. Therefore this Court answered the Point No. 1 in Affirmative.
7. **Point No.2:** In view of above reasons, this court proceeds to pass the following:

:: ORDER ::

I.A.No. III and IV filed U/O 18 rule 17 of CPC and U/Sec. 151 of CPC are hereby allowed on cost of Rs. 1000/- each.

The Evidence of DW-3 is hereby reopened and DW-3 is hereby recalled for cross examination.

For cross examination of DW-3. Call on 29-01-2026.

**Civil Judge & JMFC,
Afzalpur**