

ORDERS I.A.No. XVII and XVIII

1. This common order arises out of the I.A.No. XVII to XVIII filed by the defendants U/Sec.151 of C.P.C for reopening the evidence of PW-1 and U/o 18 Rule 17 of C.P.C for recall the PW-1 for cross examination.
2. On the other side plaintiffs have not filed any Objection to I.A. No. XVII and XVIII.
3. Perused and heard both sides.
4. The following point arises for the considerations

:: POINTS ::

- 1) **Whether the defendants have made out grounds to allow the I.A. No. XVII and XVIII as prayed for?**
- 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 defendants has filed affidavit stating that, on evidence of PW-1, the defendant was not suffering from ill health, due

to which not cross examined PW-1. His valuable right is involved in the suit. Hence, cross of PW-1 is necessary. Therefore, the I.A. No. XVII to XVIII may be allowed in the opinion of the Court. To determine the real dispute between parties and for effective adjudication of the suit, it is just and proper to give one more opportunity to defendants to cross of PW-1, If the I.A. No. XVII to XVIII are allowed, no harm and loss cause to plaintiffs, Therefore, Under the facts and circumstances of the case, Point No. 1 is answered in Affirmative.

7. **Point No.2:** In view of above reasons, this court proceed to pass the following:

:: ORDER ::

I.A.No. XVII to XVIII filed by defendants are hereby allowed on cost of Rs. 1500/-each.

The plaintiff side evidence is hereby reopened and PW-1 is hereby recalled for cross examination.

For cross examination of PW-1. Call on 28-02-2026.

**Civil Judge & JMFC,
Afzalpur**