

ORDERS ON IA No.III & IV

The learned counsel for the respondent No.2 has filed an IA No.III under Section 151 of CPC seeking reopen the stage for cross examination of PW1.

2. The learned counsel for the respondent No.2 has filed an IA No.IV under Order 18 Rule 17 R/w Section 151 of CPC seeking recall the PW1 for the purpose of Cross examination.

3. The sufficient opportunity given to petitioners to file an objection to IA No.III and IV since 12.12.2024 till today. The petitioners have failed to file their objection to applications.

4. Both the counsels are not address the arguments on applications.

5. This court has perused the material available on record. The petitioners have filed this petition seeking compensation an account of accident. The petitioner No.1 was examined before this court on 24.08.2023. On 14.12.2023, the PW1 got marked ExP1 to 10. On 14.11.2024, the PW1 cross examined by the learned counsel for respondent No.3. The respondent No.2 failed to cross examine the PW1. Hence, On 22.01.2024, this court taken as cross examination of PW1 by respondent No.2 nil. Now, the respondent No.2 has filed these applications. To prove the defense, the cross examination of PW1 by respondent No.2 is required. In the interest of justice and equity, the applications filed by the respondent No.2 are deserves to be allowed. Hence, this court has proceed to pass the following:

ORDER

IA No.III and IV filed by the learned counsel for respondent No.2 under section 151 of CPC and Under Order 18 Rule 17 R/w section 151 of CPC, are hereby allowed with subject to payment of cost of Rs.500/- in total.

The stage is reopened. The PW1 is recalled.

The counsel for the petitioners is directed to keep present the PW1 in the next date of hearing without any fail.

For cross of PW1 by respondent No.2 by 31.07.2025.

**Senior Civil Judge and JMFC.,
Malavalli.**