

**IN THE COURT OF THE I ADDITIONAL SENIOR CIVIL
JUDGE AND JMFC AT PANDAVAPURA**

Dated this the 4th day of April-2026

PRESENT :

SRI.BABU N., B.com, LL.B.
I Addl. Senior Civil Judge & JMFC,
Pandavapura.

M.V.C.No.1189/2023

PETITIONER : S.S Somegowda

V/s

RESPONDENTS : Prasanna & others.

PARTIES IN I.A.No.VII

APPLICANT : S.S.Somegowda Petitioner

V/s

OPPONENTS : Prasanna & others. Respondents

ORDER ON I.A.No.7 FILED UNDER ORDER XVIII
RULES 17 OF CPC

The petitioner has filed the application to recall RW-1 for further examination and production of certain documents.

2. In the affidavit annexed to the application it is stated that, it is necessary to recall RW-1 for adducing evidence on the period of temporary registration of Tractor bearing registration No.KA-11-C-4031 and also to produce certain documents

3. Learned counsel for the respondent No.2 submitted that, IA No.7 may allowed.

4. Following points do arise for consideration:-

1. Whether the petitioner has made out grounds to recall RW-1?
2. What order?

5. Having heard learned Counsel for the respective parties and considered the material on record, I have answered the above points as below for the following reasons;

Point No.1 : In the **Negative**.

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

REASONS

6. **Point No.1:-** The petitioner has filed the application to recall RW-1 for further examination and also production of certain documents. Learned counsel for the respondent No.2 submitted that, the application may be allowed.

7. The order sheet shows that, the respondent No.2 had filed IA No.6 under Order XVI Rule 6 of CPC to summon the RTO, Mandya to produce RC and FC of the tractor bearing Reg.No.KA-11-C-4031 and adduce evidence. The court allowed the said application vide order dated 03.02.2026. Thereafter, the Superintendent of office of the RTO, Mandya appeared before the court and examined as RW-1 and got marked as Ex.R 1 to 3. The RW-1 has produced 'B' register extract pertaining to the vehicle bearing Reg.No.KA-11-C-4031. The RW-1 is an official of the Road Transport Office. In the affidavit annexed to the application, the petitioner has not disclosed anything about the documents proposed to be produced through RW-1.

8. A perusal of cross examination of the RW-1 by learned counsel for the petitioner clearly shows that, the witness was cross examined in detail. The petitioner could have examined and produced whatever documents he wanted to produce before the court during the course of cross examination of RW-1 itself. But after conclusion of cross examination of RW-1 the petitioner has come up with the present application. The petitioner has not disclosed anything about the documents that are sought to be produced through the said witness. RW-1 being the Superintendent of the Office of the RTO his services are very much required for the benefit of the public in general. When an opportunity had been given to the petitioner to cross examine RW-1 then he should have made use of it to the maximum extent. The petitioner cannot be allowed to recall the witness as per his convenience. The petitioner should be diligent while conducting the case. Therefore, the tribunal does not find any valid reason to recall RW-1. **Hence I answer point No.1 in the Negative.**

9. **Point No.2:-** Having answered Point No.1 in the Negative, I proceed to pass the following:-

ORDER

The IA No.7 filed under Order 18

Rule 17 of CPC is dismissed.

Respondents' further evidence.

Call on 07.04.2026.

(Dictated to the Stenographer on computer directly, then corrected and pronounced by me in the open Court on 04.04.2026)

(BABU N.)

I Addl. Senior Civil Judge & JMFC,
Pandavapura.

(Order pronounced in the open Court
vide separate Order)

ORDER

The IA No.7 filed under Order 18
Rule 17 of CPC is dismissed.

Respondents' further evidence.

Call on 07.04.2026.

I Addl. Senior Civil Judge & JMFC,
Pandavapura.