

ORDERS ON APPLICATIONS FILED BY THE
DEFENDANT UNDER SECTION 151 OF C.P.C. AND
UNDER ORDER 18 RULE 17 R/W SEC.151 OF
C.P.C.

These applications are filed by the Defendant seeking to re-call PW.1 and re-open the case for cross-examination.

2. In the affidavits, it is stated that on the last date of hearing he could not give proper instructions to his counsel to cross-examine the PW.1, as the Plaintiff intended to settle the matter outside the Court, hence he could not cross-examine the PW.1 and this Court has taken the cross of PW.1 as nil and posted the matter for arguments. As the Plaintiff failed to settle the matter, he intending to cross-examine the PW.1. If the applications are not allowed, great hardship and irreparable injury will be caused which cannot be compensated. Hence, he prays to allow the applications.

3. Per contra, the counsel for the Plaintiff has filed objections to the applications stating that, sufficient opportunities are given, despite the Defendant has not cross-examined the witnesses. The application is filed to drag on the

matter. Further, he has denied the contents of the application in toto. Hence prayed to dismiss the application with cost.

4. Heard on both sides. Perused the material on record.

5. On perusal of the facts and circumstances of the case it appears that, on 31.01.2026 Defendant filed written statement. Thereafter, on 21.02.2026 this Court has fixed the date for production of evidence. Thereafter, 15.04.2026 Plaintiff evidence was closed and on 27.04.2026 the Defendant evidence was taken as nil and posted the case for arguments. On perusal of the facts and circumstances of the case it appears that, as applications are filed immediately on next date of hearing before commencement of the arguments. So without touching the merit of the application and appreciating the material on record, the applications deserve to be allowed subject to cross-examination on the date of PW.1 present without seeking further time. This is the commercial suit, there is a time limit for every stage. Cross-examination is necessary to test the veracity of the witness. If the cost is imposed, it

meets the ends of justice. However, the counsel for the Defendant shall cross-examine PW.1 without seeking further time for cross-examination on the date of PW.1 present by paying the cost, otherwise, the order of cross-examination of PW.1 taken as nil would follow. Accordingly, I pass the following ;

ORDER

The applications filed by the Defendant under Section 151 of C.P.C. and under Order 18 Rule 17 R/W Sec.151 of C.P.C are allowed with cost of ₹ 3,000/-.

For cross of PW.1

Call on : 03.08.2026.

**II Addl. District & Sessions Judge,
Mysuru.**