

Orders on IA.No.25

Sri. CAG Advocate filed IA.No.25 U/o 18 Rule 17 R/w Section 151 of C.P.C. and prays to recall DW.3 for the purpose of cross-examination.

On the other hand the learned advocate for defendant No.13 filed objections and prays to dismiss the application.

Head and perused the materials placed on record.

It is the contention of defendant No.8 that on the previous date of hearing even though counsel for defendant No.8 was ready to cross-examine DW.3, but due to death of relative of counsel of defendant No.8, his counsel could not appear before the court, hence prays to recall DW.3 for the purpose of cross-examination from the side of 8th defendant. On the other hand the learned advocate for defendant No.13 contended that he has already been cross-examined by the plaintiff and defendant No.1. The defendant No.13 is the bonafide purchase of portion of the property and further defendant No.7 to 12 are sellers of portion of schedule property have no rights to cross-examine the purchaser. Hence, prays to dismiss the plaintiff.

It is pertinent to note that no doubt, the cross-examination of DW.3 is not done by defendant No.8, but in the interest of natural justice and to adjudicate the matter between the parties completely and effectively an opportunity shall be given to defendant No.8 to cross-examine DW.3. Hence, I proceed to pass the following,

ORDER

IA.No.25 filed by defendant No.8 is allowed.

For tendering DW.3 for cross-
examination by 17.02.2022.

Sd/-
PRINCIPAL JUDGE,
Court of Small Causes,
MYSURU.