

Common Orders on I.A.No.24 & 25

These are the applications filed by the applicant / Defendant No.11 U/s 151 of C.P.C., and U/o 18 Rule 17 R/w section 151 of C.P.C., and praying the court to re-open the case, recall the PW.1 and permit the applicant to cross-examine the PW.1, for the reasons stated in the respective affidavits annexed to IAs.

2. The plaintiff has filed separate objections contending that IAs are not maintainable and praying the court to reject the IAs, for the reasons stated in the objection statement.

3. Heard the arguments. Perused the records.

4. Further, the plaintiff states that, after the cross-examination of PW.1 the Defendant No.11 to 14 have been impleaded, as such this defendant has to cross-examine the PW.1. Therefore, an opportunity be given to the applicant to cross-examine the PW.1. On the other hand, in the objections it is contended that, no any grounds are made out to allow the

IA and the facts stated in the affidavit annexed to I.A., are all false.

5. Admittedly, the present suit is one for Declaration, Partition and separation possession and the Defendant No.11 to 14 have been impleaded to the suit at a later stage. Under the circumstances the court is of the opinion that, the applicant has to be given an opportunity to cross-examine the PW.1 and the objections of the other side are untenable under law. Accordingly, I proceed to pass the following,

ORDER

I.A.No.24 and 25 are
hereby allowed.

No order as to cost.

[Typed to my dictation]

Sd/-

Judge, Pri., Small Causes Court, Mysuru.