

ORDERS ON I.As.9 & 10 FILED BY THE
PLAINTIFF No.2 U/O 18 RULE 17
R/W SEC.151 OF CPC

The counsel for plaintiff No.2 has filed two I.As U/o 18 Rule 17 R/w Sec.151 of CPC praying to reopen and recall the DW1 for the purpose of cross-examination of DW1.

2. As these two applications are interconnected, the Court wishes to treat them collectively to avoid repetition of the orders and to avoid duplication of work.

3. In both the accompanied affidavits, the plaintiff No.2 deposed that, the plaintiffs have filed the suit for partition and separate possession against the defendants. It is stated that, in the last dates of hearing the case was posted for defendant evidence. On that day her counsel was engaged another court. Hence absence is not intentional. They have not produce the necessary document to her counsel and she was not appearing before the court. But the court be pleased to pass an order of defendants taken as nil and the case is posted for arguments. Hence it is just and

necessary to reopen the case to evidence of DW.1. Hence, she is prayed to allow the application.

4. The defendant No.8 has filed objection to the applications is that, the above applications are not maintainable and stated in the affidavits that, the plaintiffs have filed a suit for partition and separate possession against the defendants. After the plaintiffs filed the suit, the defendant No.8, who is the buyer, appeared in the court and filed a defense on his behalf. Then this Court framed the issues in dispute and concluded the main examination and cross-examination of the plaintiffs, and the main examination of the defendant No.8 was concluded, then the Court fixed the date for cross-examination on 19.09.2025, at this stage the court had given sufficient time but did not further cross-examine DW-1 i.e., the defendant No.8. Therefore, the court has considered that there was no cross-examination of the defendant No.8 on date 19.09.2025 and has fixed the next date for further examination of evidence in favor of the defendant No.8. At this stage,

the plaintiff No.2 has filed the said interlocutory applications before this court. All the matters stated by the plaintiff No.2 in his affidavit are false and he has filed these interlocutory applications with the intention of wasting the time of the court. Hence, it is prayed to dismiss the applications.

5. I have heard the counsels on both the applications.

6. On perusal of the application, it is found that, the plaintiff has filed the suit for the relief of Partition & separate possession. Now, stage is stood for the further defendant evidence if any. At this juncture, the defendant No.8 has moved the instant applications to recall and reopen the case for cross examining of DW1. If the said application is not allowed then the last opportunity for the applicant to prove her case will be denied and she will be put into hardship which nothing can be compensated. Hence, in the interest of justice, last and final chance has to be given to the defendant to

cross-examined the DW1 with condition.

Hence, I proceed to pass the following:-

ORDER

I.As No.9 and 10 filed by the plaintiff No.2 U/o 18 Rule 17 R/w Sec.151 of CPC and is hereby allowed on cost of Rs.1000/-. Out of that Rs.500/- will be paid to the TLSA.

Further, DW.1 is directed to be present at the next date of hearing without fail.

Further, counsel for the plaintiff is directed to cross-examine the DW1 on the same date.

For cross-examination of DW1 by
25.02.2026

Sd/-
Senior Civil Judge & JMFC,
H.D.Kote