

Order on I. A.No.XII & XIII

The applications I.A.No.XII is filed U/S 151 of CPC to re-open the case and I.A.No.XIII is filed U/O 18 Rule 17 of CPC by defendant No.12 to re-call PW-1 for his cross examination.

2. Both applications are supported by affidavit of defendant No.12 and it is sworn that due to bonafide reasons the defendant No.12 did not cross-examine PW-1. On perusal of order sheet sufficient opportunities were granted to the defendant No.12 to cross-examine PW-1 and ultimately the cross-examination of PW-1 by defendant No.12 was taken as nil. By considering reasons stated in the affidavit, one more opportunity should be given to defendant No.12 to cross-examine said witness. The

inconvenience caused to the plaintiff could be compensated with cost. Hence this court proceed to pass the following:

ORDER

The applications I.A.NoXII & XIII filed by the defendant No.12 U/sec 151 of CPC and U/o 18 Rule 17 of CPC are hereby allowed with cost of Rs.500/-.

The PW-1 is recalled for his cross-examination by defendant No.12.

For cross of PW-1 by defendant No.12.

Call on : 19.04.2024

**Senior Civil Judge & J.M.F.C
H.D.Kote**