

### **Order on I.A.No.VIII to IX**

The application I.A.No.VIII is filed by the defendant No.3 U/sec., 151 of CPC to re-open the case and I.A.No.IX is filed U/O 18 Rule 17 of CPC to re-call DW-1 for his further examination.

2. Both the applications are supported by affidavit of the defendant No.3 and it is sworn that due to ill health he could not appear before the court for his examination and hence prayed to allow the applications.

3. The counsel for the plaintiffs has filed objection to the applications and it is stated that sufficient opportunities were granted to DW-1 to keep himself before the court and the defendants intends to protract the proceedings. Hence prayed to dismiss the application.

4. Peruse and heard.

5. The defendants have filed the present applications to recall DW-1 for his further examination. On perusal of the order sheet earlier this court has granted several opportunities to the DW-1 to keep himself present before the court but by considering the reasons stated in the affidavit one more opportunity should be given to the defendant No.3 to lead his evidence. Inconvenience caused to the plaintiff could be compensated by imposing cost. Hence this court proceed to pass the following:

### **ORDER**

**The applications I.A.No.VIII & IX filed by the defendant No.3 U/sec., 151 of CPC and U/**

**O 18 Rule 17 of CPC are hereby allowed with cost of Rs.500/-.**

**The DW-1 is recalled for his further examination.**

**Out of the cost amount, the defendant No.3 should deposit an amount of Rs.300/- to the TLSC, H.D.Kote & should pay the remaining cost amount to the plaintiff.**

**For further chief examination of DW-1.**

**Call on :27.02.2025**

(Dictated to the Stenographer, transcribed by him on computer, revised, corrected and then pronounced by me in the open Court on this the 15<sup>th</sup> day of February, 2025)

**(Sandesh Prabhu. B)  
Senior Civil Judge & J.M.F.C  
H.D.Kote**