

**ORDERS ON IA No.XX AND XXI**

The Counsel for plaintiff has filed IA No.XX under Section 151 of CPC for reopen the case and IA No.XXI under Order 18 Rule 17 of CPC prays for recall the DW-1 in order to cross-examination.

2. In the affidavits which enclosed to IA No.XX and XXI it is stated that, the plaintiff has not been cross-examined to the defendant No.2 and no opportunity given to the plaintiff to conduct the cross-examination of DW-1. Hence, the cross-examination of DW-1 is necessary. Accordingly, he prays for allow the application.

3. On the other hand, the defendant No.2 has filed objection to the applications and contended that, the applications filed by the counsel for plaintiff are not maintainable and further contended that the plaintiff has not given any reasons in the affidavits to recall the DW-1 in order to cross-examination. Hence, prays for reject the applications.

4. Heard arguments.

5. Perused the material available on record. It could be seen that, the plaintiff has filed the suit against the defendants for the relief of partition and separate possession with respect to the suit schedule properties.

6. On the other hand, the defendants have appeared before this court through their counsels and filed written statement by denying the case

of the plaintiff. On the basis of rival pleadings of the parties, this court has framed necessary issues and conducted trial. When, the case was posted for judgment, the present applications were filed to recall the DW-1 in order to cross-examination.

7. Perused the record, it could be seen that the plaintiff has not been cross-examined to the DW-1. Moreover, it is not proper to curtail the parties from producing respective evidence on technical grounds. Therefore, this court is of the opinion that it is just and necessary to reopen the case in order to cross-examination of the DW-1.

8. However, on perusal of the order sheet, this court noticed that, he caused delay by filing these applications for that the plaintiff has to compensate by way of cost to the defendant No.2 Hence, keeping in view of the facts and circumstances of the case, the applications filed by the plaintiff are allowed on cost of Rs.2,000/-. Accordingly, the DW-1 is called.

For cross of DW-1 by: 21.04.2026.

**Sr. Civil Judge and JMFC,  
K.R.Nagar.**