

ORDERS ON IA No.VIII & IX

The Counsel for defendant No.12 has filed IA No.VIII under Section 151 of CPC for reopen the case and IA No.IX under Order 18 Rule 17 R/w Section 151 of CPC prays for recall the PW-1 and 2 in order to further cross-examination of PW-1 and 2.

2. In the affidavits it is stated that, the plaintiffs has filed present suit for the relief of declaration and permanent injunction with respect to the schedule property. The PW-1 and 2 have been cross-examined. During preparation of the evidence of the defendant, it is found that few questions are left out in posing to PW-1 and 2 regarding his defence and also certain facts touching his defence and facts. Hence, the further cross-examination of PW-1 and 2 is very necessary to prove his defence. Accordingly, prays for allow the application.

3. On the other hand, the plaintiffs have filed objection to the applications and contended that, this court has given sufficient opportunity to defendant No.12 to conduct the cross-examination and the PW-1 and 2 and have fully cross-examined by the defendant No.12, when the case posted for defendant's evidence, the present application was filed with intention to drag on the court proceedings. Hence, prays for reject the application.

4. Heard arguments.

5. Perused the material available on record. It could be seen that, the plaintiffs have filed the suit against the defendants for the relief of declaration and permanent injunction with respect to the suit schedule property.

6. On the other hand, the defendant No.9, 10 and 12 have appeared before this court through their counsel and filed written statement by denying the case of the plaintiffs and contended that they are the owners of the schedule property bearing Sy.No.289 and 290 which acquired from Putta Hanumamma. On the basis of rival pleadings of the parties, this court has framed necessary issues and conducted trial. When, the case was posted for defendant's evidence, the present application was filed.

7. Further the record shows that, the PW-1 and 2 have been cross-examined by the defendant. In the affidavit it is stated that at the time of cross-examination, he was left out of the some important questions with respect to his defence and not posing to the PW-1 and 2. On the other hand, plaintiffs stated that this court has given sufficient opportunity to the defendants to conduct the cross-examination. Instead of leading defendant's evidence, he has filed the present application with intention to the drag on the court proceedings.

8. No doubt, the present applications were filed when the matter was posted for defendant's evidence. The suit was filed in the year 2022. The defendant No.12 caused delay by filing these applications for that he has to

compensate by way of cost to the plaintiffs. Hence, keeping in view of the facts and circumstances of the case, the applications filed by the counsel for defendant No.12 are allowed on cost of Rs.500/-. Hence, the PW-1 and 2 are recalled subject to further cross-examination on next date of hearing without fail.

For further cross of PW-1 and 2 by:
16.09.2025.

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