

**ORDERS ON IA No.IX**

The Counsel for defendant No.7 has filed application Under Order 18 Rule 17 of CPC and prays for recall the PW-1 for cross examination of PW-1.

2. In the accompanying affidavit enclosed to IA No.IX, the defendant No.7 has stated that, the plaintiff has filed suit against the defendants for the relief of partition and separate possession with respect to the suit schedule properties. Further it is stated that she has been cross examined the plaintiff in her favour and she suffering from viral fever. Hence, she could not intimate her counsel. Hence, the cross examination of PW-1 is very necessary. Accordingly prays for allow the application.

3. On the other hand, the counsel for plaintiff submitted that no objection to allow the application.

4. Heard arguments.

5. Perused 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 defendant No.7 appeared through her counsel and filed written statement by admitting the case of the plaintiff. Further, she stated that the plaintiff and herself are in joint possession over the schedule properties and she is also entitled share over the schedule properties. Further, the

defendant No.7 prays for this court to pass a judgment and decree by allotting her share over the schedule properties. The written statement of the defendant No.7 taken into consideration there is no denial facts narrated by the plaintiff. Further, the defendant No.7 herself admits the case of the plaintiff and prays to decree the suit. Hence, the question of cross examination of PW-1 does not arise. Hence, the application filed by the defendant No.7 is no merits. Accordingly, application filed by the defendant No.7 is rejected.

For arguments by: 07.03.2025.

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