

**COMMON ORDERS ON APPLICATION
FILED BY THE PLAINTIFF UNDER
ORDER 18 RULE 17 OF C.P.C AND
UNDER SECTION 151 OF C.P.C**

The plaintiff has filed these applications under the aforesaid provisions seeking to Re-call D.W.2 for cross-examination.

2. The sum and substance of the affidavits accompanying the said applications is that, the relative of the Advocate representing the plaintiff had passed away due to which the counsel failed to appear before the court. As such, the stage of cross-examination was taken as nil.

3. The said applications were resisted by the defendants by filing objection and contended that, the said applications have been filed only to delay the case and has no merits. Hence, prayed to reject the applications.

4. Head both rival parties on the said applications.

5. I have perused the records of the case on hand carefully and meticulously.

6. It is significant to note that, during the stage of arguments the counsel for the plaintiff submitted that the actual counsel representing the plaintiff was engaged before the court in Mysuru District, as such he could not appear before the court leading to closure of the stage. The said submission is inconsistent with the affidavit averments made by the plaintiff accompanying the said applications. However, in the interest of justice and to provide an opportunity, so also to avoid multiplicity of litigations that may ensue by disallowing the said applications this court is of the view to allow the said applications. That apart, the practice of filing Re-call applications by the parties even after providing sufficient opportunities to cross-examine the witness and closure of the stage has to be deprecated. In view of the same this court is of the view to impose exemplary cost upon the plaintiff. Accordingly, I proceed to pass the following ;

ORDER

The applications filed by the plaintiff under Order 18 Rule 17 R/W Section 151 of C.P.C and under Section 151 of C.P.C seeking to Re-call D.W.2 for cross-examination are hereby allowed on exemplary cost of Rs.1000/- each.

**Civil Judge & JMFC.,
T. Narasipura.**

Call on for cross-examination of D.W.2 finally and as last chance on 12.07.2023 as specifically requested by the counsel for the plaintiff.

**Civil Judge & JMFC.,
T. Narasipura.**