

ORDERS

The defendant No.2 has filed an application under Order 18 Rule 17 of C.P.C. seeking to Re-call P.W.1 for further cross-examination.

2. In the affidavit accompanying the said application sworn in by the defendant No.2 it is submitted that, the plaintiff has filed this suit against the defendants for the relief of Permanent Injunction, wherein on the previous date when the case was posted for further cross-examination of P.W.1 he was suffering from ill-health, as such he could not given instructions to his counsel to cross-examine P.W.1. As such, the further cross-examination of P.W.1 was taken as nil. If the application is allowed and an opportunity is granted to cross-examine P.W.1 no hardship and prejudice would be caused to the plaintiff. Hence, prayed to allow the application.

3. In spite of granting sufficient opportunity the plaintiff has not chosen to file objection to the said application.

Hence, objection to the said application is taken as not filed.

4. I am satisfied with the grounds urged by the defendant No.2 in the affidavit accompanying the said application. Moreover, the defendant No.2 is represented by new counsel who filed Vakalath on 19.09.2023. If the said application is disallowed it will leads to multiplicity of proceedings causing injustice to the defendants. Hence, this court is of the view to provide an opportunity to defendant No.2 to further cross-examine the P.W.1. Hence, I proceed to pass the following ;

ORDER

The application filed by the defendant No.2 under Order 18 Rule 17 of C.P.C is hereby allowed on cost of Rs.500/-.

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

Call on for further cross-examination of P.W.1 finally and as last chance by : 26.10.2023.

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