

ORDERS ON I.A.No.XVI

Provision under which the application is filed	U/o.18 rule 17, R/w.Sec.151 of C.P.C.
Relief sought for	To recall the defendant no.1 i.e., DW.1 for cross examination.
The date on which the application is filed	01.04.2026
Number of the application	IA No.XVI
The date on which the objections are filed by different opponent	--
The date on which the orders were passed on the said application	04.06.2026

The plaintiff filed this IA No.16 U/o.18 rule 17 R/w.Sec.151 CPC to recall the DW.1 for cross-examination.

2. In the memorandum of fact the plaintiff contended that, the advocate for plaintiff gone to Sindhanur for his personal work and the junior counsel sought adjournment but the court rejected the prayer and cross of DW.1 taken as nil. The non cross examination of DW-1 by the plaintiff is not an intentional one. If application is allowed no loss will caused to other side, on the other hand the

plaintiff will put to great hardship. Hence prays to allow the application.

3. On the other hand, the defendant in spite of giving sufficient opportunity did not file objection. Hence objection taken as not filed.

4. Heard the counsel.

5. After going through the materials available on record the plaintiff filed this suit for Specific Performance of Contract. On 23.03.2026 the DW.1 was present. S.R.Advocate sought time as already time was granted finally. Hence cross of DW.1 taken as nil. Now considering the nature of suit and this being a trial court it is necessary to give one more opportunity to cross-examine the DW.1 to avoid the further litigations. Hence in the interest of justice it is necessary to allow the application by imposing costs. Hence this court proceed to pass the following:

O R D E R

I.A.No.XVI filed by the plaintiff U/o
18 Rule 17 r/w Sec.151 of CPC is hereby
allowed on costs of Rs.200/-.

Call on for cross of DW.1.

**Senior Civil Judge and J.M.F.C.,
Devadurga.**