

ORDERS ON I.A.No.VIII

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 DW.2
The date on which the application is filed	03.04.2025
Number of the application	IA No.VIII
The date on which the objections are filed by different opponent	09.04.2025
The date on which the orders were passed on the said application	09.04.2025

Sri.V.M.M. advocate for plaintiff filed this IA No.8, U/o.18 rule 17 r/w Sec.151 of CPC to recall the DW.2 for cross-examination by setting aside order dated 10.02.2025.

2. In the affidavit contended that, on 10.02.2025 DW.2 was present before the court. On that day the counsel for plaintiff not present before the court. Hence noting the absence of the same court proceed to passed the order that cross of DW.2 taken as nil. The absence of plaintiff and his counsel is not intentional one. Hence prays to allow the applications.

3. On the other hand the defendant filed objections in the objections contended that there is no proper reasons to set aside the

order dated 10.02.2025 the court has already granted sufficient opportunity , even then the plaintiff failed to cross-examine the DW.2. Hence to drag on the case filed this application and prays to reject the application.

4. Heard both the sides.

5. After going through the materials available on record the plaintiff filed this suit for partition and separate possession. The DW.2 is the witness whose cross-examination taken as nil on 10.02.2025. Now the case is posted for arguments as finally. At this stage filed present application for cross of DW.2. In the affidavit the plaintiff contended that his counsel was not present the court. But did not state further reasons for what prevented the plaintiff and his counsel to present before the court. The other side contended that there is no proper reasons and to drag the case filed this application. Considering the materials this being the trial court it is necessary to give one more opportunity by imposing certain costs. Hence in the interest of justice this court proceed to pass the following:

O R D E R

I.A.No.8 filed by the plaintiff
U/o 18 Rule 17 r/w Sec.151 of CPC
is hereby allowed on cost of
Rs.500/- out of which cost of Rs.300
is to be paid to the TLSC
Devadurga and cost of Rs.200 is to
be paid to the DW.2.

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