

IN THE COURT OF ADDL. SENIOR CIVIL JUDGE &

JMFC., AT RAMANAGARA

:PRESENT:Smt.Anupama Lakshmi.B., B.A., LL.B.,
Addl. Senior Civil Judge & JMFC.,
Ramanagara.

O.S. No.124/2015

DATED : THIS THE 09th DAY OF AUGUST 2021

Plaintiff : M/s Mathrubhoomi Enterprises Pvt Ltd.,

-V/s-

Defendants : Ramamurthy and Others

* * * *

I.A

Applicant : R.Narayana @ Ashwas

-(Defendant No.4)

-V/s-

Opponents : M/s Mathrubhoomi Enterprises Pvt Ltd.,

- (Plaintiff)

Orders on IA filed under Order
XVIII Rule 17 R/w Section 151 of CPC.,

The applicant/defendant No.3 filed the application
to recall the order dated:04-02-2019 by taking cross

examination of Pw-1 as nil and to permit the applicant to cross examine the Pw-1.

2. In the affidavit of the applicant, it is submitted that, he is the plaintiff in OS.No.4/2012. In that case he has produced certain documents and required the said documents to facilitate his counsel to cross examine the Pw-1 in the present case. Apart from that, the present plaintiff has not furnished copies of documents filed in this case to the applicant. In addition to this, due to lock-down of the Court he could not secure certified copies of documents. Therefore, he could not instruct his counsel, but on 04-02-2019 the Court refused to grant time for cross examination of Pw-1 and posted the case for further evidence of the plaintiff. Due to bonafide reasons Pw-1 could not be cross examined. Hence, the application.

3. The opponent/plaintiff filed statement of objections and submitted that, inspite of giving

sufficient opportunities the applicant did not cross examine the Pw-1. Therefore, the Court considered the cross examination as nil. That the Court has passed the said orders before the Covid-19 restrictions were imposed. That the application is a belated one. Hence, the opponent prayed for dismissal of the application with costs.

4. Heard.

5. In this case, before imposition of Covid-19 restrictions the Court has taken cross examination of Pw-1 as nil. Thereafter, the witness was cross examined but, the defendants have not taken pains to cross examine the Pw-2 also. At present the applicant wishes to cross examine the Pw-1 contending that, he has good case on merits. Therefore, to defend the case of the applicant it is necessary to provide another opportunity to the applicant since the evidence of the plaintiff is not yet closed. Hence, the following:

ORDER

IA filed by the applicant/defendant No.3 under Order XVIII Rule 17 R/w Section 151 of CPC., is allowed with the costs of Rs.800/-.

Pw-1 is recalled for cross examination by the applicant/defendant No.3.

By:

(Dictated to the Stenographer on-computer by him, corrected, signed and then pronounced by me in the Open Court on this the 09th day of August 2021.)

(Anupama Lakshmi.B)
**Addl. Senior Civil Judge & JMFC., ,
Ramanagara.**