

**ORDERS ON I.A NO.4 AND 5**

The defendant No.1 has filed application U/o 18 Rule 17 r/w Sec.151 of CPC and U/s 151 of CPC to recall and reopen the case for the purpose of cross-examination in the interest of justice and equity.

2. In the affidavit application the defendant No.1 stated that, the plaintiff has filed the suit against the defendants for the relief of declaration and other reliefs with respect to the suit schedule property. On the last date of hearing, the defendant evidence was taken as Nil on 21.07.2025 and then case was posted for arguments. Hence, it is just and necessary to reopen the case from the stage of defendants evidence to further cross-examination of PW.1. Hence, it is prayed to allow the application.

3. On 04.08.2025 counsel for the plaintiff submitted that, they have no objection to allow the above said application.

4. Matter is heard on both the sides.

5. When the entire order sheet is perused, it clearly reflects that the matter is of the year 2017 and the suit is for the relief of Declaration and sufficient time has been given to the defendant to further cross-examine the PW.1. However, the same was not utilized. Now when the stage was kept for leading defendant evidence the present applications are filed. However, at this stage after prolonged sequence of trial the matter is now reaching to its final venture. Hence, this court is of the opinion that, if the applications is considered at this stage itself the same would avoid multiplicity of proceedings and further delay. However, the defendant filing the said applications at the subsequent stage of leading their evidence, it clearly shows that, they have caused delay. Hence, with the said observation this court proceeds to pass the following:

**ORDER**

I.A No.4 and 5 filed by defendant is hereby allowed as final chance with no adjournment in this regard.

Accordingly PW.1 is recalled for further cross-examination.

Call on 12.09.2025.

**Sd/-**  
**I A.C.J & JMFC, Kanakapura.**