

Common Orders on I.A.Nos.15 and 16

The defendant No.2 has filed these applications seeking to reopen the case and to recall PWs.1 and 2 for cross examination.

In the affidavits annexed to the applications, it is stated that, due to busy work, the defendant No.2 could not be present before the Court and counsel of defendant No.2 was also engaged in some other court. Hence, cross examination of PW.1 was taken as nil. Hence, these applications have been filed seeking to reopen the case and to recall Pws.1 and 2 for cross examination. If these applications are not allowed, he would be put to untold

hardship and inconvenience. On these grounds, it is prayed to allow the applications.

On the other hand, the plaintiff has filed objections to these applications by asserting that, earlier the defendant No.2 has taken several adjournments to cross examine PW.1 and there are no sufficient grounds to allow the applications. On these grounds, it is prayed to dismiss the applications.

Heard argument. Perused entire material on record.

The defendant No.2 has sought to re-open the case and to recall Pws.1 and 2 for cross examination. However, the plaintiff has raised several objections. However, this court is of the view that, it is being the trial court, it has to afford one more opportunity to both the parties to prove their case. The contention of the defendant No.2 appears to be legitimate. Hence, to provide such opportunity to defendant No.2 to put forth his case before the Court and to avoid multiplicity of proceedings, this Court feels it

necessary to allow the applications. Therefore, for proper adjudication of the matter, this court feels it appropriate to allow the applications. Accordingly, this court proceeds to pass the following:

ORDER

The applications i.e., I.A.Nos.15 and 16 filed by the defendant No.2 are hereby allowed.

The case is re-opened and Pws.1 and 2 are recalled for cross examination. The defendant No.2 is hereby cautioned not prolong the matter.

II Addl.Civil Judge & JMFC
Bhadravathi.