

20/06/2022

Platff. by JDB

Def. By NSRB/RNN

For Order

COMMON ORDER ON IA NO.II AND III

The counsel for the Defendant filed an application to reopen the stage of the suit and recall the PW1 and allow the Defendant to cross-examine him. The counsel for the Plaintiff filed objections and prayed before this court to dismiss the applications.

2. Heard both the sides. It is submitted that the counsel for the Defendant is practitioner, at Kundapur Bar Association and he practices advocacy in Bhatkal Courts as well . He prefers to appear before this court on every Saturdays. However, this case was posted other than Saturday, he was unable to represent the case. The stage of the suit was jumped the cross-examination of PW1 was taken as nil. He submits that, in case if this application are not allowed, hardship would be caused to the Defendant.

3. Per-contra the counsel for the Plaintiff submitted that the prayer of the Defendant can not allowed as matter of right. The party should obey the order of the court not that court should give leniency upon all the

prayers of the counsels. Henceforth, he prayed to dismiss the application.

4. Heard both the side. It is to be noticed that, on a cause of a counsel, who represents a case on behalf any party, the party shall not to be put into trouble. Keeping in view of this fact, the prayer of the Defendant is here by allowed. I.A No.II and III filed by the Defendant is here by allowed. The stage of the suit is reopened. PW1 is recalled.

**Call on for cross-examination of PW1
by 02/07/2022.**

Sd/-
Addl. Civil Judge and
J.M.F.C. Bhatkal.