

ORDERS ON I.A.VII

Counsel for Defendants filed the I.A. under Sec.151 of C.P.C. and requested to recall the P.W.1 to face the cross – examination.

In the memorandum of facts, the Learned Counsel for defendants submitted that, on 14.06.2024, matter was reserved for cross – examination of P.W.1. On that day, he did not able to prepare the cross – examination for the lack of information and also due to the old documents. This court pleased to passed an order as cross of P.W.1 taken as nil. He is intending to cross – examine the P.W.1. Hence, prayed to allow the application.

In the objection, the Learned Counsel for plaintiff contended that, the application filed by the defendants is not maintainable. The reason assigned in the application are false. P.W.1 traveled from Bengaluru. Defendant filed the application with an intention to harass the plaintiff. Counsel for plaintiff requested to reject the application.

The Learned Counsel for defendants submitted that, he did not able to prepare for cross - examination of P.W.1 for want of instructions and the documents are above 100 years. The Learned Counsel for plaintiff denied the same. The Learned Counsel for defendants further submitted that, this court passed the order as cross of P.W.1 taken as nil. The Learned Counsel for plaintiff did not deny the same. On perusal of papers, P.W.1 was not cross - examined by the Learned Counsel for defendants. Cross - examination is a weapon in the hands of Learned Counsel for opposite party. When the party is undergone cross - examination, then only possible to get the true facts. For that, in the interest of justice, provide an opportunity to the Learned Counsel for defendants to cross the P.W.1 is necessary. To face the cross - examination, recall the P.W.1 is necessary. Hence, pass the following:

ORDER

I.A.No.VII filed by the Learned
Counsel for defendants under Sec.151 of

C.P.C. is hereby allowed on cost of
Rs.200/-.

Recalled the P.W.1 to face cross –
examination.

Tender P.W.1 for cross

Call on 19.08.2024.