

ORDERS ON APPLICATIONS

The defendant No.10 filed applications under Order XVIII Rule 17 for recall of P.W.1 for further cross-examination and under Sec.151 of C.P.C. for reopen the case from the stage of further chief of P.W.1 to the stage of further cross of P.W.1 on the ground that his Advocate has advised him that the cross-examination of P.W.1 is not sufficient and not completed. Accordingly, pray for allow the application.

The plaintiff has not filed objections.

Heard.

The plaintiff filed the suit for partition and for separate possession. The plaintiff examined as P.W.1 and cross-examined by the other side. When the matter is posted for further chief of defendant No.1, the defendant No.10 filed instant applications. Recently, M.V.A. Advocate filed vakalath on behalf of defendant No.10 with no objection and according to the defendant No.10, the cross-examination done by earlier Advocate is not sufficient. No injustice is caused to the P.W.1 if the applications are allowed. It is a fundamental principle of law that matter should always be decided on merits by providing fair opportunity to both parties.

The full cross-examination made by the parties helps the court to come to a proper conclusion to decide the matter. Accordingly, I proceed to pass the following:

ORDER

The Applications filed by the defendant No.10 under Sec.151 and Order XVIII Rule 17 of C.P.C. are hereby allowed.

In the result, P.W.1 recalled.

For further cross-examination call on 08.01.2026.

Prl. Sr. Civil Judge & C.J.M.
Udupi.