

The defendant has filed I.A. under Order XVIII Rule 17 r/w Sec.151 of C.P.C. to recall the P.W.1 for cross – examination and grant such other reliefs and also filed application under Sec.151 of C.P.C. to reopen the side of the plaintiff.

Since the two applications are being filed and relief claimed is identical, both I.A.s are taken together for common discussion.

It can be seen from the order sheet that, P.W.1 was given sufficient opportunity, but insptie of giving opportunity he did not appear before the court and available for cross – examination. Other side hardship will have to be compensated by imposing cost. Therefore, this court proceeds to pass the following :

ORDER

The application filed under Order XVIII Rule 17 r/w Sec.151 of C.P.C. and application filed under Sec.151 of C.P.C. is hereby allowed subject to payment of cost of Rs.1,350/- payable to the defendants.

Call for cross – examination of P.W.1 without fail by next date of hearing

and no further adjournments will be given
in this regard.

Call by 14.07.2026.

(Santosh Srivastava)

Addl. Senior Civil Judge and A.C.J.M.,
Udupi.