

8-7-2024

P - mek  
DI - MKVK  
D204 - KS  
D5,7 - GMB.  
For Hg on 1A21,22  
by DI

ward from 1/PJ  
and vldg  
for order, call on  
10/07-

10/07

10-7-2024

For orders on  
SA 21 & 22

order not ready  
for order, call on  
11/07/24

10/07

11-7-2024

Order on IA No. 21 & 22

These two applications are filed by the Plaintiff seeking reopening of the case and recall Pro. for Cross examination.

Plf deposes that due to ill-health she was unable to tender herself for Cross examination and latter of settlement being going on, pray to allow the IA's.

Content for the defendant no. 1 & 2 objected by stating that the matter is settled, but the Plaintiff is deliberately avoiding the process of law and pray to dismiss the IA's.

Heard from the court for the  
Plaintiff and defendant.

Following points are for my  
determination.

Point no. 1 :- Whether there are  
sufficient grounds to recall  
the <sup>stop</sup> ~~case~~ of the case?

Point no. 2 :- Whether there are  
sufficient grounds to recall Pw,  
for lending help for cross-examination

Point no. 3 :- what order?

My answer to above points is as  
are

Point no. 1 :- in affirmative

Point no. 2 :- in affirmative

Point no. 3 :- As per final order

for the following

Reasons

Point no. 1 and 2: - These two

Suit as per  
points are taken up together for  
common discussion, since they  
involve same set of facts and  
reasoning and to avoid repetition  
of facts.

Suit is for partition in between  
brother and sister. The matter was  
referred to mediation, where report  
was received that matter is settled.  
But the Plaintiff nor plaintiff's Counsel  
who was on record failed to appear  
before the court to report kind of the  
agreement. On one hearing date, it  
was submitted that the matter which  
is pending before another court at

Mudabidi also needs to be settled and thus the parties cannot report settlement over here. Accordingly opportunity was provided for the Plaintiff. But neither the Plaintiff nor counsel on record appeared before the court. Hence court proceeded accordingly. Thus now, the Plaintiff has come up with present application.

Matter is pertaining to 2017. As per the report, matter is settled. Parties also have submitted that the sketch is ready. The court cannot wait for the parties to report settlement with conditions and wait for compromise in this case. Parties are unnecessarily wasting time of this court. But only on that ground though matter is of 2017, the court

Cannot go beyond principles of natural justice, but to adhere to it. Therefore one opportunity shall be provided to the parties, where parties are directed to proceed with the case or, deposit settlement, failing the suit shall be dismissed.

Parties are brother and sister. Therefore, the cost imposed would cause no loss to any party, if ordered within time. Hence the cost can be imposed to the Plaintiff to be paid to Advocate's Bar Association, Karkate. Accordingly; holding that ground are made out to keep the case. The above points are answered in affirmative.

In view of the above reasoning,  
the following

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0567112

Order

J.A. No. 21 and 22 are herewith  
allowed with cost of Rs. 3000/- to be  
paid to bar association, Karkala

Stage of this case is re-opened  
Pw, is recalled for further Cross  
Examination.

Parties are directed to proceed  
with this case of report settlement  
without any adjournment.

for report of Pw, of to report  
settlement, call on 12/09/24

YF