

ORDERS ON IA NO. IV AND V

The defendant has filed IA No.IV under order XVIII Rule 17 R/w sec.151 of CPC praying to recall PW1 and also files IA No.V under Sec.151 of C.P.C to praying to reopening the stage.

2. In the accompanying memorandum of facts, the applicant has stated that, due to serious ill health of the defendant, he could not instruct his counsel for cross examination of PW1. With these averments the applicant has sought for allowing the application.

3. The learned counsel for the plaintiff submitted no objection to IA No.IV and V.

4. Heard and perused the materials on record.

5. Now, the following points arise for consideration of this Court are:

Point No.1: Whether the applicant has made out sufficient grounds to reopen the stage and to recall PW1?

Point No.2: What order ?

6. The findings of this Court on the above said points are as under:

Point No.1:In the Affirmative;

Point No.2:As per final order

for the following:

REASONS

7. Point No.1 and 2: This Court has already narrated the facts stated in the memorandum of facts annexed to the application.

8. This court has gone through the entire records. This is the suit filed by the plaintiff against the defendants for seeking the relief of permanent injunction. In the interest of Justice and equity, the applications are allowed on imposing cost. Hence, this Court answer point No.1 in the affirmative.

9. Point No.2: For the aforesaid discussion on point No.1, this Court proceeds to pass the following:

ORDER

I.A. No.IV and V are hereby allowed with cost of Rs.5000/-.

The stage is reopened for the purpose of cross examination of PW1.

For payment of Cost.

Call on: 12.03.2025

**Civil Judge & J.M.F.C.,
Bainduru.**