

Orders on IA U/Section.151 of CPC

The advocate for defendant No.6 had filed this application to recall the order dt.9.9.2019 and to permit defendant No.6 to cross examine Pw1 as the defendant No.6 has got more documents and more information towards the subject matter of the case and as it is necessary to prove the defense of defendant No.6 and thereby prays to allow the application.

The plaintiff has filed objection stating that sufficient opportunities to given defendant No.6 and thereafter defendant No.6 finally cross examine the PW1. The defendant No.6 can produce the documents averred in the affidavit to prove her case and therefore, cannot be permitted to recall Pw1 for cross examination and thereby prays to dismiss the application.

Heard.

During the stage of evidence of defendant No.2, defendant No.6 has filed this application. Order sheet reveals that since 14.6.2022 the case was posted for cross examination of Pw1 and on 18.10.2022 the advocate for defendant No.6 partly cross examined Pw1 and thereby prayed time. Thereafter, on 15.2.2003 PW1 was fully cross examined by defendant No.6 and thereafter, by defendant No.1 and 2. The defendant No.6 intends to further cross examine Pw1 on the ground that defendant No.6 has got more documents and more information towards the subject matter of this case. However, the same is not substantiated by defendant No.6. Further, the defendant No.6 has stated that this further cross examination of Pw1 is necessary to prove the defense of defendant No.6. It is to be noted here that cross examination of Pw1 is to be done on the documents got marked by the plaintiff. However, if the defendant No.6 intends to prove the defense then, the same can be done through defense evidence. The defendant No.6 cannot keep Pw1 in dark and seek permission to further cross examine Pw1. Therefore, the defendant No.6 has made out no grounds to allow the application and accordingly, I pass the following:

ORDER

IA filed by defendant No.6 U/Section.151 of CPC is hereby dismissed.

III.ASCJ,
BRD, Bengaluru