IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

FRIDAY, THE 7TH DAY OF AUGUST 2015/16TH SRAVANA, 1937

OP(C).No. 693 of 2015 (O)

ORDER DTD.21.2.2015 IN IA.NO.509/2015 IN OS.NO.124/2013 OF IIIRD ADDITIONAL SUB COURT, ERNAKULAM

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PETITIONER(S)/PLAINTIFF:

M/S. COCHIN SHIPYARD LIMITED,
HAVING ITS REGISTERED OFFICE AT P.O. BAG NO. 1653,
PERUMANOOR,
KOCHI 682 015, REPRESENTED BY MR ELDHO JOHN,
DGM (MATERIALS-I), AGED 43 YEARS, S/O.LATE P.S. JOHN,
POOKKOTTIL PUTHENPURAYIL, ERNKAULAM

BY ADVS.SRI.M.GOPIKRISHNAN NAMBIAR
SRI.P.GOPINATH
SRI.P.BENNY THOMAS
SRI.K.JOHN MATHAI
SRI.JOSON MANAVALAN
SRI.KURYAN THOMAS

RESPONDENT(S)/DEFENDANT:

M/S. SUPERWAUDITE JOINTINGS PRIVATE LIMITED,
G/1, SHYAMSUNDAR APARTMENT, 6 LAKSHMI SOCIETY,
B/H. SHEEBA HOTEL, NAVARANGPURA, AHMEDABAD 380 006,
REPRESENTED BY ITS DIRECTOR.

BY ADVS. SRI.V.ABRAHAM MARKOS
SRI.BINU MATHEW
SRI.TOM THOMAS (KAKKUZHIYIL)
SRI.ABRAHAM JOSEPH MARKOS
SRI.ISAAC THOMAS
SRI.NOBY THOMAS CYRIAC

THIS OP (CIVIL) HAVING BEEN FINALLY HEARD ON 07-08-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

msv/

OP(C).No. 693 of 2015 (O)

APPENDIX

PETITIONER(S)' EXHIBITS

P1:TRUE COPY OF THE PLAIN IN OS.NO.124 OF 2013 FILED BY THE PETITIONER DATED 30.01.2013 BEFORE THE SUB COURT, ERNAKULAM (WITHOUT DOCUMENTS).

P2:TRUE COPY OF THE WRITTEN STATEMENT DATED 21.09.2013 FILED BY THE RESPONDENT IN OS.NO.124/2013 BEFORE THE SUB COURT, ERNAKULAM.

P3:TRUE COPY OF THE LIST OF WITNESS DATED 06.01.2015 FILED ON BEHALF OF THE PLAINTIFF BEFORE SUB COURT, ERNAKULAM.

P4:TRUE COPY OF THE PETITION TO ACCEPT THE LIST OF WITNESSES THAT IS IA.NO.111 OF 2015 DATED 06.01.2015 ALONG WITH THE AFFIDAVIT FILED BEFORE THE SUB COURT, ERNAKULAM.

P5:TRUE COPY OF THE IA.NO420 OF 2015 DATED 24.01.2015 ALONG WITH THE AFFIDAVIT TO ADJOURN THE TRIAL OF THE CASE ANY DAY AFTER 20.02.2015 FILED BY THE PETITIONER BEFORE SUB COURT, ERNAKULAM.

P6:TRUE COPY OF THE APPLICATION IA NO.484 OF 2015 FILED BY THE DEFENDANT DATED 29.01.2015 BEFORE SUB COURT, ERNAKULAM ALONG WITH THE AFFIDAVIT TO ADJOURN THE DEFENDANT'S EVIDENCE TO ANY DAY AFTER 16.02.2015.

P7:TRUE COPY OF THE IA.NO.509/2015 DATED 30.01.2015 ALONG WITH THE AFFIDAVIT FILED BY THE PETITIONER/ PLAINTIFF BEFORE SUB COURT, ERNAKULAM FOR REOPENING THE EVIDENCE OF THE PLAINTIFF FOR EXAMINING ALL THE WITNESSES SHOWN IN THE LIST OF WITNESS DATED 06.01.2015.

P8:TRUE COPY OF THE ORDER DATED 21.02.2015 IN IA.NO.509/2015 IN OS.NO. 124/2013 DISMISSING EXT P7 APPLICATION.

RESPONDENT(S)' EXHIBITS:

NIL

//TRUE COPY//

P.S.TO JUDGE.

Msv/

B. KEMAL PASHA, J.

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O.P.(C) No.693 of 2015

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Dated this the 7th day of August, 2015

J U D G M E N T

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Heard learned counsel for the petitioner.

2. Ext.P8 order is under challenge. The petitioner wanted to get the evidence in the suit re-opened. The petitioner was examined. He could not examine his witnesses. On going through the contents of Ext.P8 order and on hearing the learned counsel for the petitioner, this Court is satisfied that the court below ought to have granted one more opportunity to the petitioner to examine his witnesses. The court below shall permit the petitioner to take steps for availing the presence of the witnesses so that they can be examined.

With the said observations, this O.P.(Civil) is allowed.

Sd/-
(B.KEMAL PASHA, JUDGE)

aks/07/08

// True Copy //
PA to Judge