

A.No.4182 of 2016 in C.S.No.127 of 2012

M.M.SUNDRESH, J.,

Suit is filed for recovery of money.

2. At the trial stage, this application has been filed seeking to mark a report of the Engineer. The learned counsel for the contesting respondent submits that reopening of the evidence was allowed on the ground of an existing report . But, now new report is sought to be marked.

3. Learned counsel for the applicant submits that the name of the Engineer has been mentioned wrongly earlier, though the report appears to be the same.

4. Admittedly, the reopening of evidence, was ordered for the aforesaid purpose. Therefore, on a technical reason, this Court is not inclined to dismiss the application. The applicant is plaintiff and therefore, he has to prove his case. What he wants is an opportunity to mark the valuation report of the Engineer.

5. Considering the aforesaid submissions, this court is inclined to allow this petition. Accordingly, this petition is allowed, subject to the admissibility, relevancy and proof of the documents sought to be marked. It is made clear that the applicant shall not drag on the matter further.

06.09.2016

mrp

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mrp

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