

A.Nos.7405 and 7406 of 2019
in C.S.No.967 of 2017

K.KALYANASUNDARAM.,J

These applications have been filed by the plaintiff to produce certain documents and reopen and recall the plaintiff witness, PW1, in the above suit.

2. Mr.Richardson Wilson, learned counsel for the applicant would submit that during the course of cross-examination of PW1 on 23.04.2019, he undertook to produce bank accounts. Since the evidence of PW1 was closed, the documents produced by PW1 was eschewed in A.No.5054 of 2019. According to the learned counsel, the documents are essential to prove the case of the plaintiff.

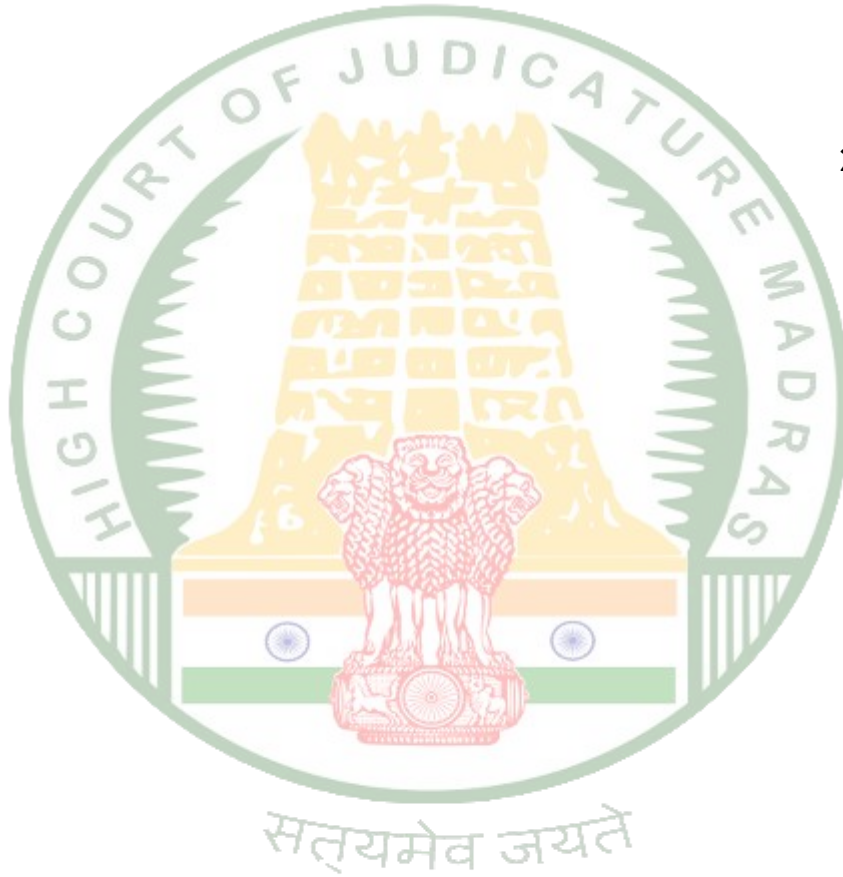
3. Mr.M.Santhanaraman, learned counsel for the respondent, by referring the counter affidavit, would submit that there is no averment in the plaint regarding the said document and hence, the same cannot be marked.

4. However, on being satisfied with the averments stated in the affidavit filed in support of the application and also considering the

submissions made by the learned counsel for the applicant, the applicant is permitted to mark the document, but however subject to admissibility, relevancy and proof. Post before the learned Additional Master II on 01.11.2019 for further evidence of PW1. Accordingly, these applications are allowed.

pvs

21.10.2019



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