



A.Nos.1173, 1174 & 1175 of 2023
in T.O.S. No. 50 of 2016

R.N.MANJULA, J.

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The applicant is the plaintiff in the suit in T.O.S.No.50/2016. When the suit is pending for recording evidence, the plaintiff has filed these petitions to reopen and recall P.W.1 and condoning the delay of 849 days in receiving certain additional documents which are going to be filed now.

2. The learned counsel for the applicant / plaintiff submitted that certain documents which would have serious bearing on the suit were not available to be produced during the chief of P.W.1; since the evidence of the plaintiff is not yet completed, in the interest of justice, P.W.1 should be recalled in order to mark the documents through P.W.1.

3. The learned counsel for the respondents 3, 9 to 11 submitted that the huge delay of 849 days in receiving certain additional documents cannot be taken so lightly in the suit which has been filed in the year 2016.

4. The evidence of plaintiff is not yet over. Even though the delay of 849 days in receiving the additional documents of the plaintiff is serious and that would cause hardship to the defendants, I feel that the same can be mitigated by



way of awarding cost. The documents which are sought to be produced now can be received subject to proof and relevancy. Hence the respondents can have the opportunity to raise objections if any, at the time of marking the documents and to cross-examine.

5. In view of the above stated reasons, these applications are allowed on payment of cost of Rs.1,500/- (Rupees One Thousand Five Hundred) by the applicant to the defendants on or before 13.03.2023.

6. List the matter on 14.03.2023 for reporting compliance.

07.03.2023

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