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O.A.Nos.161 & 162 of 2023
in ELP.No.4 of 2019

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S.S. SUNDAR, J.

These applications are filed to re-open the evidence of P.W.1 for re-examination in the Election Petition and grant leave to the applicant/3rd respondent in the Election Petition to recall the witness P.W.1.

2.In the affidavit filed in support of these applications, the applicant, who is the 3rd respondent in the Election Petition, has stated that P.W.2, who is arrayed as 19th respondent in the Election Petition, has deposed certain new set of facts which do not form part of the pleadings in the Election Petition and that therefore, it is necessary to recall the witness P.W.1 for further cross-examination.

3.Learned counsel appearing for the election petitioner, who is the 1st respondent in these applications, has no serious objection in allowing these applications if the further evidence of P.W.1 is confined only to the subject stated in the affidavit in Para No.4. A detailed counter affidavit is also filed by the election petitioner to contest these applications.



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4.Except pointing out the delay in the entire proceedings right from the date of commencement, this Court is unable to find out any serious objection in the counter affidavit. There is no reference to any serious prejudice that is likely to be caused to the respondents on account of allowing these applications. Since the application to recall a witness can be filed at any stage of the proceedings and the contesting respondent/election petitioner has not stated any circumstance or reason doubting the *bona fides* of the applicant in filing these applications, **these applications are ordered.**

03.03.2023
(1/2)

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