



A.Nos.1956, 1957 & 1959 of 2023
in C.S.No.686 of 2019

WEB COPY **K.KUMARESH BABU, J.**

These applications have been filed by the plaintiff seeking to mark additional documents by reopening and recalling the evidence of the plaintiff witness.

2.The reason that had been assigned by the applicant/plaintiff is that he had by abundant caution wanted to mark documents to substantiate his financial capacity for the purchase of the property if the suit is decreed in his favour. The same has been opposed by the learned counsel appearing for the respondent contending that the evidence has been completed on both the sides and had been directed to be listed before this Court for arguments. At this stage, the applicant/plaintiff had filed these applications, he would submit that the conduct of the applicant is only to delay the proceedings so as to harass the respondent/defendant.

3.I have considered the submission made by the learned counsel appearing on either side.



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4.The suit has been initiated for a specific performance of an agreement entered into between the parties. The plaintiff seeks to substantiate his financial capacity to purchase the property. The reason for objection of the respondent is that the petitioner is trying to delay the proceedings so as to keep the suit pending. I fear such an apprehension cannot take away the right of the party to substantiate his case and the same could be safeguarded by providing a time line by which the plaintiff should depose by providing appropriate documents and also a time line for the defendant to cross-examine the plaintiff on such documents.

5.In such circumstances having been satisfied with the contentions raised by the learned counsel for the applicant/plaintiff, the applications are ordered.

6.The documents shall be marked subject to proof & relevancy. The applicant/plaintiff shall present himself before the learned Additional Master – IV on 19.06.2023 for recording of his evidence and on the same day, the counsel for the defendant shall also cross-examine him. On recording of such evidence, the suit may be transmitted back to the Court for arguments during the second week of July 2023.

07.06.2023

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