



A.Nos.3047 & 3048 of 2024

in

C.S.No.334 of 1998

P.VELMURUGAN, J.,

Applications in A.Nos.3048 and 3047 of 2024 have been filed by the applicant/first defendant, to reopen the evidence of the defendants and to recall the defendants' witness D.W.1 for examination respectively.

2. Learned counsel for the 1st respondent/plaintiff vehemently objected the reasons stated by the applicant/first defendant. He further contended that the suit is of the year 1998. After establishment of Commercial Division, the matter was transferred to the Commercial Court and the Trial commenced in the year 2021. The Plaintiff's side documents were marked on 07.12.2021 itself. Thereafter, this matter was posted repeatedly before this Court as well as before the learned Master regarding oral evidence for the defendants' witness. Though sufficient opportunities were given to the defendants to let in oral evidence, the defendants had not taken any effective steps for examination of their witness. Hence, the defendants' side evidence was closed vide order of this Court dated 11.06.2024. Thereafter, the applicant/first defendant has come with the present application only to protract the proceedings and the applicant/first defendant has not stated any bona-fide reason to file the present application at this stage. Hence the application is liable to be dismissed.



3. Heard the learned counsel on either side and perused the materials available on record.

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4. Admittedly, the suit is of the year 1998. Applicant is the first defendant. The suit was originally filed before the Original Side of this Court. Thereafter, after establishment of the Commercial Division, the case has been transferred from Non-Commercial Division to the Commercial Division. The matter was pending for trial from the year 2021. The adjudication order of the learned Master shows that P.W.1 was examined and documents on the side of the plaintiff was marked on 07.12.2021 itself. Thereafter, the matter has been taken up on several hearings and that the matter was pending before the learned Master till 14.03.2024 and at the request made by the learned Counsel for the defendants, the matter had been adjourned on several occasions, before the learned Master. Despite sufficient opportunities were given to the defendants to adduce oral evidence, they had not adduced any oral evidence and hence, the defendants' side evidence was closed by this Court on 11.06.2024. As stated above, though the matter was pending before the learned Master from the year 2021 to till 14.03.2024, the defendants had not let in any evidence and after closing the evidence of the defendants' witness by this Court on 11.06.2024, the applicant/first defendant has filed present application.



5. In view of the above facts and circumstances and the long pendency of the suit from the year 1998 and also the attitude of the applicant/first defendant, this Court does not find any bona-fide reason to allow the applications.

6. Accordingly, these applications are dismissed. However, the defendants are at liberty to file their written submission if any, on or before 31.07.2024.

7. List the suit on 01.08.2024 for oral submissions.

27.06.2024

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