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A.Nos.6064 & 6065 of 2024

in

C.S.156 of 2022

Dr.G.JAYACHANDRAN, J.

Suit for partition between sisters been filed before this Court and evidence recorded by the Master pursuant to the time line fixed by this Court vide order dated 29.02.2024.

2. This Court in its order dated 29.02.2024 has made the following observation with time line for examining the witness:-

“3.Post the case before the Master on 18.03.2024 and the plaintiff witnesses shall be cross examined on or before 22.03.2024. If the defendants fail to cross examine the witnesses, the right to cross examine shall remain forfeited since the matter has been dragged only at the sake of the defendants. Thereafter, the evidence on both sides viz., plaintiffs and defendants, shall be completed on or before 19.04.2024.”

3. After recording evidence of PW.1, DW.1 and DW.2, the matter has been forwarded to this Court by the Master. The present applications are filed by the defendants to recall PW.1 stating that certain vital portions were ommitted during cross examination and therefore, she has to be



recalled.

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4. The counter filed by the plaintiff states that these applications are filed only to drag the proceedings. PW.1 was extensively cross examined by the applicant/defendant on 22.07.2024 and therefore, there is no necessity to recall PW.1 which will cause great inconvenience and harassment to PW.1 who is nearly 72 years old.

5. Considering the fact that the dispute is regarding property left behind by the father of the parties and deceased sister, the applications to recall PW.1 and reopen the evidence of the plaintiff for further cross examination are allowed, subject to the condition that the applicant/defendant pay costs of Rs.2,500/- to the plaintiff on or before 16.12.2024.

6. Post the matter before the Additional Master III on 19.12.2024. If the costs are paid and cost memo is filed in the Registry, the matter will be listed before the Master for cross examination of PW.1. If the applicant/defendant fails to cross examine on that day, she will forfeit her right of further cross examination of PW.1.

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