



A.Nos.2602 & 2603 of 2025 in
C.S.No.41 of 2023

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C.V.KARTHIKEYAN, J.

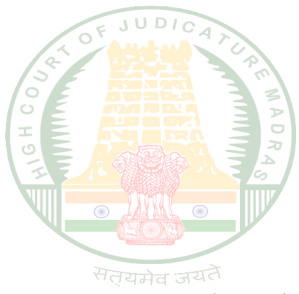
These applications have been filed to reopen and recall the evidence on the side of the plaintiff which was closed on 08.09.2023 and permit the plaintiff to examine further witness on her side.

2. It is contended that the plaintiff had examined P.W.1 and P.W.2 and after completing the cross examination of P.W.2, an endorsement was made that there was no further evidence. The plaintiff has now filed these applications to reopen and the recall the evidence and to examine one further witness as P.W.3.

3. Heard the learned counsel for the defendants 1,4 and 5. The learned counsel stated that the trial is being protracted and a direction was earlier issued by the Division Bench to complete the trial within three months.

4. Time has long passed by. Hence, it would only be appropriate that some schedule is determined by this Court to ensure that there is a free flow of recording of evidence.

5. In view of the above circumstances, these applications are allowed.

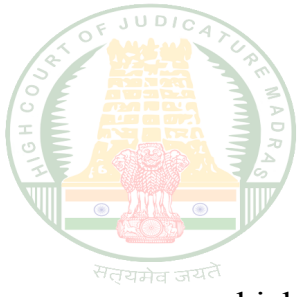


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6. P.W.3 who the plaintiff intends to examine to graze the witness box before the learned Additional Master - I on 22.07.2025 and to appear before the learned Additional Master - I on 22.07.2025. He should be cross examined either on that date or on 24.07.2025. Thereafter, the evidence should be commenced on behalf of D1, D4 & D5. It is stated that one witness has to be examined on behalf of the said defendants and that particular witness should file proof affidavit on 29.07.2025 and must be cross examined on 04.08.2025 and again, if required on 08.08.2025 and yet again if further required, on 13.08.2025.

7. D2 and D3 who are sailing along with the plaintiff cannot extend the cross examination by asking the same questions which had been asked by the learned counsel for the plaintiff. Only questions which the learned counsel for the plaintiff had not asked, can be asked in the cross examination on 19.08.2025 and again on 22.08.2025.

8. It is contended that D2 and D3 would be examining themselves as witnesses. D2 to graze the witness box on 25.09.2025 and must be cross examined on behalf of D1, D4 and D5 on 01.09.2025 and again on 04.09.2025, if required. Thereafter, D3 to graze the witness box on 09.09.2025 and to be cross examined on 15.09.2025 and again on 17.09.2025.



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9. If any of the witnesses or parties do not adhere to the said schedule which had been determined in the presence of the learned counsel on both sides, the learned Additional Master - I may stop recording the evidence and list the matter on the very next day before this Court. It is made clear that costs would be imposed on the parties who do not come forward for recording evidence.

08.07.2025

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