



A.Nos.616 and 815 of 2025 in
C.S.No.197 of 2017

WEB COPY **C.V.KARTHIKEYAN, J.**

These applications have been filed to receive additional documents and to recall P.W.1 for adducing further evidence.

2. P.W.1 had tendered evidence and had been cross examined in full and the said fact had been recorded by the learned Additional Master No.IV in the adjudication dated 12.06.2024. Exs.D1 to D3 had been marked during the cross examination. The matter has been thereafter posted for further evidence on the side of the plaintiffs. But, no further evidence had been adduced. On 06.09.2024, the learned counsel for the plaintiffs had stated that the matter may be listed before the Court. The evidence of P.W.1 alone is available on record.

3. The learned Senior Counsel for the respondents on instructions submitted that the defendants have no oral evidence to adduce during the course of the trial. This has led the plaintiffs to file two applications which are now under consideration.



WEB COPY 4. The learned counsel for the plaintiffs stated that the documents now sought to be introduced by the plaintiffs are the documents mentioned by the defendants as their documents in the written statement. It is contended that since the defendants are not interested in adducing any oral evidence, the plaintiffs have every right to mark those documents subject to admissibility, proof and relevancy. But the right of the plaintiffs to bring those documents on record, is stressed by the learned counsel for the plaintiffs.

5. The suit has been pending for quite considerable time without sufficient progress. There is no endorsement in the bundle that the defendants are not interested to adduce any oral evidence. However, that would not preclude the plaintiffs to bring to the attention of the court the documents filed by the defendants as listed out by them in the written statement. The plaintiffs have obtained certified copies and intend to produce them as further documents.



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6. Taking all these factors into consideration, these applications are allowed and the plaintiffs are permitted to mark the documents now sought to be produced and the evidence of P.W.1 is re-opened for the limited purpose of marking the documents now sought to be produced by the plaintiffs. The defendants are at liberty to cross examine the plaintiffs. The documents to be admitted in evidence subject to admissibility, proof and relevancy.

03.06.2025

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