

ORDER ON IA NO.IV AND V

The Plaintiff has filed these applications seeking to reopen the case, recall PW.1 for further chief examination. In the affidavit annexed to these applications it is stated that, since he could not secure certain documents in time, he could not produce the same. Therefore, it is very much necessary that, the same have to be produced by reopening the case. Hence, it is prayed to allow the applications.

On the other hand, the Defendant has filed objections to these applications by contending that, already the evidence of Plaintiff got over and now the case is in the stage of cross examination of DW.1. Therefore, the applications are not maintainable. These applications have been filed only to waste the time of the Court. Already sufficient opportunity given to the Plaintiff. On these grounds, it is prayed to reject the applications.

Perused to the contents of these applications and heard argument of both the counsel. The Plaintiff has raised the specific contention that, he could not secure the documents proposed to be produced by reopening the case in time.

Eventhough, the Defendant has raised several objection, this Court is of the opinion that, it is being the trial Court in order to provide opportunity to the Plaintiff, in order to avoid multiplicity of proceedings and to meet the ends of justice, the applications filed by the Plaintiff have to be allowed. However, the hardship which is going to be caused to the Defendant can be compensation by imposing costs to the Plaintiff. Accordingly, both the applications are allowed on costs of Rs.500/- payable to Defendant. The case is reopened and PW.1 is recalled for further chief examination by 17.03.2025

CJ & JMFC, HNPura