

ORDER ON I.A.No.XII and XIII

Both these applications are filed by the plaintiff under order 18 Rule 17 R/W Sec.151 of C.P.C. dated 21.12.21 to recall P.W.1 for further examination-in-chief to mark the bank statements furnished with a separate memo dated 14.12.2021 by reopening the case in order to prove the clearance of cheques.

2. Both the applications are opposed by the defendant by filing objections.

3. Heard the arguments of the both the counsels and perused the entire materials available on record.

4. It is a fact that both the parties have led their evidence and when the matter was posted for arguments the present applications came to be filed. The suit of the plaintiff is for recovery of money with interest based on the materials supplied by the plaintiff to the defendant company. The documents sought to be marked through the examination in chief of PW-1 are the bank statements.

5. Considering the nature of dispute between the parties the documents sought to be produced by the

defendant will throw some light over the dispute between the parties. Merely because the matter is posted for arguments is not a ground to deny further examination-in-chief of PW-1. Considering the nature of the dispute between the parties, I am of the opinion that the plaintiff must be permitted to lead his further examination in chief by imposing reasonable cost. Hence, I proceed to pass the following;

ORDER

I.A.No.XII filed under Order XVIII
Rule 17 read with Section 151 of CPC
and I.A.No.XIII under Section 151 of
CPC dated 21.12.2021 respectively by the
plaintiff are hereby allowed on cost of
Rs.500/- and the plaintiff is permitted to
lead his further examination-in-chief.

(Dictated to the stenographer online transcribed & computerized by her, corrected on computer and signed by me then pronounced in the Open Court, dated this the 22nd day of February, 2022)

(SUNIL.A.SHETTAR)
LXXXVI Addl. City Civil Judge
Bangalore.