

O.S.No.10/2020

ORDERS ON I.A.No.III AND IV

The plaintiff filed application under Order XVIII Rule 17 for recall the P.W.1 and under Sec.151 of C.P.C. for reopen the case and prays the court to reopen the case from the stage of arguments to the stage of further chief of P.W.1.

The plaintiff counsel memorandum of facts. Wherein he has stated that some of the documents which have already been produced by the plaintiff could not be marked due to inadvertence and oversight. Accordingly, pray for allow the application.

The defendant counsel filed objections.

Heard arguments. Perused the materials available on record.

The plaintiff filed the suit for damages.

When the matter is posted for arguments, the plaintiff filed the instant applications. The arguments is not yet commenced. The plaintiff already produced documents and due to oversight he could not marked those documents. It is proved that the plaintiff in or other way tried to drag the

matter. On this ground, if the application is rejected, then the plaintiff unable to place the material before this court. The delay can be met by imposing cost that would meet the ends of justice. Moreover, the defendant can cross-examine the plaintiff on those documents. Hence, I proceed to pass the following:

ORDER

The applications filed by the plaintiff Order XVIII Rule 17 and under Sec.151 of C.P.C. is hereby allowed on cost of Rs.500/- to be deposited at DLSA.

In the result, the case is reopened for further chief of P.W.1 from the stage of arguments.

Prl. Sr. Civil Judge & C.J.M.
Udupi.

For further chief of P.W.1, finally by