



C.S.No.140 of 2019

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(Comm.Suit)

N.ANAND VENKATESH.J.

This Court passed an order on 19.11.2021 and it was decided that the continuation of the oral evidence will happen in the Court and it will not be sent back to the learned Additional Master No.III. PW1 who was the Site In-Charge of the plaintiff's Company, was in the box and at the stage of cross-examination of PW1, the matter was sent back by the learned Additional Master No.III.

2. The witness is present today. On going through the proof affidavit of PW1, this Court finds that it is a repetition of averments made in the plaint. The proof affidavit has not confined itself to the scope of the evidence that is going to be given by this witness. Pursuant to the directions given by this Court, a memo was filed by the learned counsel for the plaintiff by defining the scope of evidence that is going to be given by each witness. While dealing with PW1, it is stated in the memo that this witness is the Site-In-Charge of the plaintiff's Company and he was involved in the execution of the project. He will therefore, speak about the delays that were caused and the other claims about which he has



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knowledge. The learned counsel appearing on behalf of the defendants shall keep this in mind and the questions shall be put to the witness in the cross-examination.

3. Unfortunately, when this Court was about to commence the recording of evidence, it was found that the proof affidavit of PW1 and the documents marked through PW1 are not found in the case bundle. In such circumstances, the cross-examination of PW1 could not be commenced today. The registry is directed to put up all the papers.

4. Post this case on 15.12.2021 at 03.30 p.m. The witness shall be present on that day.

01.12.2021

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