



C.R.P(MD).No.1135 of 2026

WEB COPY **V. LAKSHMINARAYANAN, J.**

Mr.C.Jawahar Ravindran reports that he wants to bring to the notice of the Court some further evidence, which the plaintiff has come by after P.W.1's cross-examination was over. Insofar as his request that he should mark the Commissioner's report through P.W.1, it cannot be entertained. In terms of Order 26 Rule 10(2) C.P.C, it is for the Commissioner to enter the witness box, on a request being made by the plaintiff and depose on the same. Order 26 Rule 10(2) need not be telescoped into Order 18 Rule 17. The suit is of the year 2016 and the application to re-open has been filed in 2025. If the petitioner wants the luxury of recording further evidence, the luxury will not come free, he will have to pay heavy costs for the same.

2.Mr.C.Jawahar Ravindran is agreeable for the said view of this Court. Hence, issue notice to the respondents 1 to 3 returnable by 29.04.2026. In addition to the said private notice on the respondents, the counsel for the civil revision petitioner will also serve the counsel, who represented the defendants/ respondents to the Court below.

3.Call the matter immediately after admission on 29.04.2026.

22.04.2026

Rmk



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Rmk

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