



WEB COPY



A.No.1175 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30-07-2026

CORAM

THE HON'BLE DR.JUSTICE A.D.MARIA CLETE

A No. 1175 of 2026

in

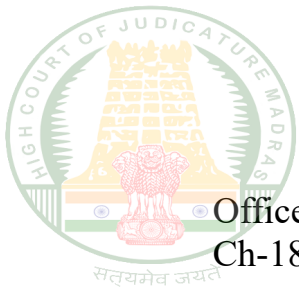
C.S. No. 758 of 2009

Ramani Hotels Limited
Rep. By Mr.G.Bhanu Prakash,
Accounts Manager,
Having Registered officer at
No.462, A.B.Nair Road, Juhu Mumbai – 400 049,
and Administrative office at
No.365, Anna Salai, Teynampet,
Chennai – 600 018.

..Applicant(s)

Vs

1. Balaji Hotels And Enterprises
Ltd., Rep. By Its Chairman And Managing
Director,
And 7 Others
No.9, Bazullah Road, T.Nagar, Ch-17.
2. Tourism Finance Corporation
Of India Ltd., Rep. By Its Chairman And M.D.,
5th Floor, Ifci Tower, No.61, Nehru Place,
New Delhi-110 019.
3. Ifci Ltd. (formerly Industrial
Finance Corporation Of India Ltd.)
Rep. By Its Chairman And M.D., Ifci Tower,
No.61, Nehru Place, New Delhi-110 019.
4. Robust Hotels Pvt Ltd.,
Rep. By Its Director, Flat No.1, Komal Apts,
18, Jagdeeswaran St, T.Nagar, Ch-17, Admn



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Office At No.365, Anna Salai, Teynampet,
Ch-18.

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5. Icici Bank Ltd.,
Rep. By Its Chairman And M.D., Landmark,
Race Course Circle, Vadodara - 390007. Icici
Towers, No.24, South Phase, Ambattur
Industrial Estate, Ch-58.
6. Asset Reconstruction Company
(india) Ltd., Rep. By Its President And C.O.O.
Shreepathi Arcade, August Kranti Marg, Nana
Chowk, Mumbai- 400 036.
7. Citi Bank
Rep. By Its Director, Citi Group Corporate And
Investment Banking Citi Group Center, 6th
Floor, Bandra Kurla Complex, Bandra (e) ,
Mumbai- 400051.
8. Idbi Bank
Rep. By Its Chairman And M.D.,
Idbi Tower, Wtc Complex, Cuffe Parade,
Mumbai - 400 005.

..Respondent(s)

PRAYER: To permit the Plaintiff to examine the said Mr.Mahesh Sawanth, Legal
Executive of the Plaintiff company as PW-2 and also give evidence.

For Applicant(s): M/S.T.V. Krishnamachari
V.K.Elangho
C.Jagadish
N.C.Ashok Kumar
R.Ramya

For Respondent(s): Mr.K.Harishankar for R4.
No appearance for R1, R6 & R8.
R2, R3, R5 & R7 – ex parte.



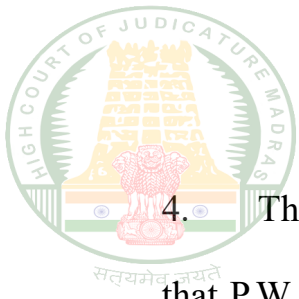
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ORDER

This application has been filed by the plaintiff under Order XIV Rule 8 of the Original Side Rules, read with Order XVI Rules 1(3) and 1-A of the Code of Civil Procedure, seeking permission to examine Mr Mahesh Sawanth, the plaintiff company's Legal Executive, as P.W.2.

2. According to the plaintiff, P.W.1 was examined, and the report prepared by CBRE South Asia Private Limited was subsequently marked as Ex.P21, despite the defendants' objections. The plaintiff further states that P.W.1 was unable to explain the contents of the report during cross-examination and that the proposed witness has been employed by the plaintiff since 01.10.2003 and is acquainted with the relevant facts.

3. Respondents 1 and 8 have stated that they have no objection to the application and have made their respective endorsements on 20.07.2026. R2, R3, R5 & R7 have been set exparte and there is no appearance for R6.



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4. The fourth respondent / defendant opposes the application. It is contended that P.W.1's evidence commenced in 2017, that he was recalled and further cross-examined after Ex.P21 was marked, and that the present attempt is intended to prolong the trial and fill deficiencies in the evidence already recorded. It is further contended that the proposed witness is not the author of Ex.P21 and cannot prove its contents.

5. Mere delay will not take away the right of adducing the best evidence by parties and every opportunity has to be provided in this regard. The proposed witness is said to have been employed by the plaintiff company since 2003. Whether he has personal knowledge of the transactions in question, and the extent to which he is competent to speak to Ex.P21, can be tested during his examination and cross-examination. Permission to examine him cannot be taken as a finding that he is competent to prove the truth of the contents of Ex.P21. As neither its author nor its preparer, he can speak only to facts within his personal knowledge. The admissibility, evidentiary value and proof of Ex.P21 shall remain open for consideration at the appropriate stage.



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6. In these circumstances, denying the plaintiff an opportunity to examine the proposed witness may result in the exclusion of potentially relevant evidence, whereas any prejudice to the defendants can be adequately addressed by confining the evidence to matters within his personal knowledge and by granting them a full opportunity to cross-examine him. Accordingly, this application deserves to be allowed.

7. However, the objection regarding protraction cannot be overlooked, particularly since the examination of P.W.1 commenced in 2017. It would suffice to direct that the plaintiff shall file the proof affidavit of P.W.2 within a period of two weeks from the date of receipt of a copy of this order. The learned Additional Master shall, as far as practicable, complete the examination and cross-examination of P.W.1 expeditiously.

8. Accordingly, this application is allowed. No order as to costs shall be made.

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DR.A.D.MARIA CLETE, J.

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