

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.09.2015

CORAM

THE HON'BLE MR.SANJAY KISHAN KAUL, CHIEF JUSTICE
and
THE HON'BLE MR. JUSTICE T.S.SIVAGNANAM

O.S.A.No.186 and 187 of 2015
and
M.P.Nos.1,1 and 2 of 2015

1. Chess Association of India
represented by its Secretary General
Surendra K.Tewari,
638/3A, Shivpuri Colony
Picnic Spot Road,
P.O.CIMAP, Lucknow,
Uttar Pradesh 226015.

2. S.L.Harsh
President - Chess Association of India,
Rattani Vyasani Ka Chowk,
Bikaner, Rajasthan ...Appellants in both Appeals

Versus

All India Chess Federation
(Regd. Society, Registration No.125/1958)
represented by its Honourary Secretary,
Bharat Singh Chauhan,
Hall No.9, Jawaharalal Nehru Stadium,
Park Town, Chennai 600 003. ... Respondent in both Appeals

Appeal filed under Order 36 Rule 9 of Original Side Rules read
with Clause 15 of the Letters Patent, against the Common Order
O.A.Nos.1078 of 2012 and 1956 of 2013 in C.S.No.835 of 2012 dated
03.03.2015, on the file of this Court.

For Appellant .. Mr.Rahul Balaji
for Mr.Satish
Parasaran in both appeals

For Respondent .. Mr.J.Sivanandaraaj in both
appeals

C O M M O N J U D G M E N T

(Judgement of the Court was delivered by The Hon'ble Chief Justice)

After hearing the learned counsel for the appellants, learned counsel are agreeable to an expeditious trial rather than exploring further litigation possibilities by way of the present appeal against the impugned interlocutory order as well as the revoke leave petition.

2.As usual, proceedings in the suit seem to have been lost sight of, while the battle continues at the interlocutory stage. Thus even after the impugned order has been passed, no written statement has been filed for six months thereafter.

3. Incidentally, the suit is vintage 2012.

4. Learned counsel for the respondent is present and both learned counsel agreed that a schedule may be laid down for expeditious trial of the suit especially keeping in mind the limited nature of oral testimony which would be required.

5. It is thus agreed as under:

- a) The appellants/defendants in the suit will file their written statement within three weeks.
- b) Replication by the respondent/plaintiff within three weeks thereafter.

6. The suit will be set down before the learned single Judge for framing of issues on 17th November, 2015.

7. The parties will carry out the admission/denial of the documents before the Master of this Court on 15th December, 2015.

8. In order to expedite the trial, keeping in mind the already overloaded court of Master, parties have agreed that the evidence be recorded before a retired District Judge and the fee and expenses shall be borne equally by the parties.

9. Mr.P.Ganesan, a retired District Judge, residing at No.778, Fourth Street, Judge Colony, Kaghithapuram, S.Kolathur, Chennai - 600117 (Cell No.9600045571), is appointed as Commissioner to record evidence and the parties will assist him in the endeavour to conclude evidence, preferably within a period of three months from the first sitting before the Commissioner. The fee of the Commissioner is fixed at Rs.75,000/- apart from out of pocket expenses.

10. In conclusion of trial, the case will be placed before the learned single Judge to fix the date of hearing. Any observation made in the impugned order for disposal of the interlocutory application being only prima facie in character, will not in any way

prejudice the result post trial of the suit.

11. The Original Side Appeals accordingly stand disposed of, leaving the parties to bear their own costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Asst.Registrar (CS III)

/true copy/

Sub Asst. Registrar

To

1. The Sub Assistant Registrar(OS)
High Court Madras.

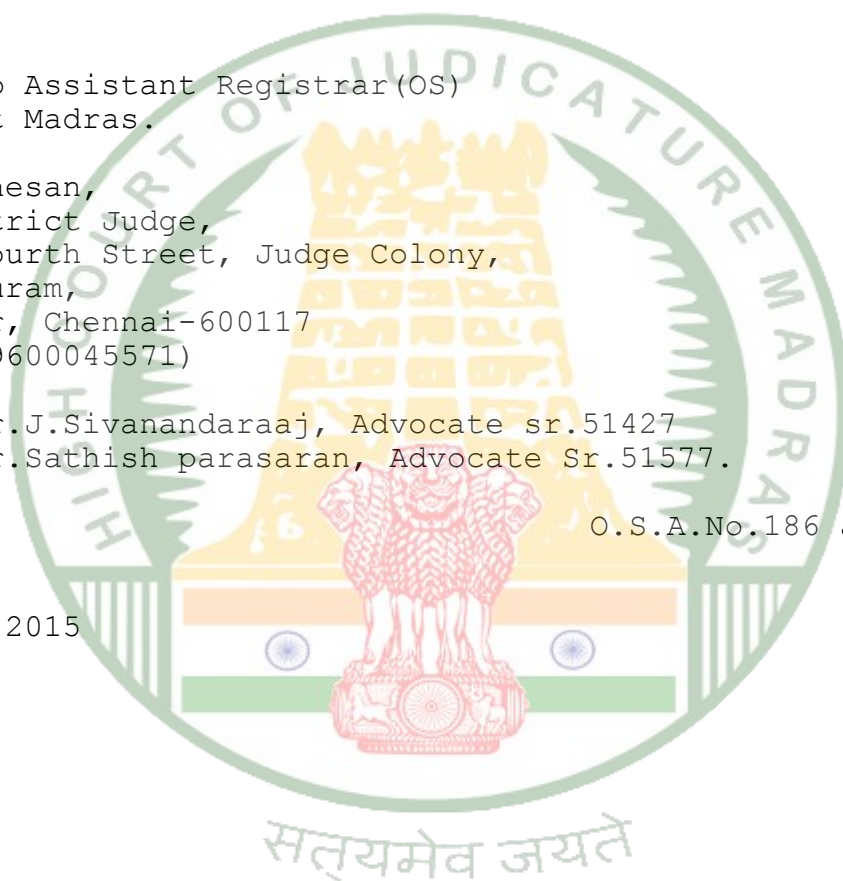
2.Mr.P.Ganesan,
Retd. District Judge,
No.778, Fourth Street, Judge Colony,
Kaghithapuram,
S.Kolothur, Chennai-600117
(cell No.9600045571)

+1cc to Mr.J.Sivanandaraaj, Advocate sr.51427

+1cc to Mr.Sathish parasaran, Advocate Sr.51577.

O.S.A.No.186 and 187 of 2015

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srg 30.09.2015



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