

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

MONDAY, THE 3TH DAY OF JULY 2017

THE HON'BLE MR. JUSTICE C.V.KARTHIKEYAN

A.No.2994 of 2017

in

C.S.No.350 of 2004

**C.S.NO.350 OF 2004**

\*M/s.SABMiller India Limited,  
BKN Ambaram Estate,  
648/1, 1<sup>st</sup> Main, 1<sup>st</sup> Stage,  
Indira Nagar,  
Bangalore-560 038 Rep.by its Company Secretary  
Mr.Sridhar.S

\*\* (Amended as per Order dated 22/07/13 in A.No.1791/2013  
and time extended as per Order dated 21/03/2017 in  
C.S.No.350/2004) ...Plaintiff

Vs

1. M/s.Rita Agencies  
19/13 Arcot Road,  
Kodambakkam, Chennai - 600 024.  
Rep.by its Partner

2. Mr.Rajan Syal  
Partner  
M/s. Rita Agencies  
19/13 Arcot Road,  
Kodambakkam, Chennai - 600 024.

3. Mr.Vinay Syal  
Partner  
M/s. Rita Agencies  
19/13 Arcot Road,  
Kodambakkam, Chennai - 600 024.

...Defendants

**A.NO.2994 OF 2017:**

M/s.SABMiller India Limited,  
BKN Ambaram Estate,  
648/1, 1<sup>st</sup> Main, 1<sup>st</sup> Stage,  
Indira Nagar,  
Bangalore-560 038  
Rep.by its Company Secretary  
Mr.Sridhar.S

...Applicant/Plaintiff

Vs

1. M/s.Rita Agencies  
19/13 Arcot Road,  
Kodambakkam,  
Chennai - 600 024.  
Rep.by its Partner

2. Mr.Rajan Syal  
Partner  
M/s. Rita Agencies  
19/13 Arcot Road,  
Kodambakkam,  
Chennai - 600 024.

3. Mr.Vinay Syal  
Partner  
M/s. Rita Agencies  
19/13 Arcot Road,  
Kodambakkam,  
Chennai - 600 024.

...Respondents/Defendants

Application praying that this Hon'ble Court be pleased to eschew the proof Affidavit filed by Mr.Sridhar.S and permit the Applicant to let in fresh evidence.

This Application coming on this day before this court for hearing the court made the following order:

The Application is filed to eschew the evidence already let in by Mr.Sridhar.S in his capacity as P.W.1 and to examine another witness as P.W.1.

2. The reason given seeking to eschew the evidence is that the said P.W.1 has left office and consequently, the plaintiff feels that their interest would not be further protected. However, it is seen from the records that P.W.1 has been cross examined by the learned counsel for the defendants. That cross examination shall remain as part of evidence and as part of records. The proof affidavit to be

filed by the new witness cannot traverse beyond the proof affidavit already filed by P.W.1. Even if the new witness states differently in his cross examination with respect to the facts admitted or otherwise by P.W.1, the cross examination of P.W.1 alone shall be on record and taken up at the time of main determination of the issues in the trial.

3. With such observations, the plaintiff is permitted to examine another witness, who will be termed as P.W.2. For appearance of P.W.2, before the learned Additional Master-II, post the suit on 13.07.2017. After recording the evidence of P.W.2, the suit is to be posted before this Court again on 16.08.2017.

Sd/-C.V.K.J

03.07.2017

//Certified to be a true copy//

Dated this the      th day of                      2017.

EM/11.07.2017

COURT OFFICER

From 25.09.2008 the Registry is issuing certified copies of the Order/Judgment Decree in this format.