

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

WEDNESDAY, THE 16th DAY OF AUGUST 2017

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

A. Nos.4168 & 4169 of 2017

in

C.S. No.979 of 2007

M/s.TVS Motor Company Limited,
Jayalakshmi Estates,
No.29, Haddows Road,
Chennai-600 006
rep. by its Authorized Signatory,
Mr.Harne Vinay Chandrakant

... Applicant/Plaintiff
(in both the applications)

-Versus-

M/s.Bajaj Auto Limited,
Akurdi, Pune-411 035
Maharashtra

... Respondent/Defendant
(in both the applications)

A. No.4168 of 2017:-

Application praying that this Hon'ble Court be pleased to grant extension for a further period of four months to conduct and conclude evidence in the present suit, pursuant to the earlier order dated 04.06.2015 in O.S.A. No.100 of 2015 passed by this Hon'ble Court.

A. No.4169 of 2017:-

Application praying that this Hon'ble Court be pleased to direct the parties to adopt the case management schedule annexed hereunder to expedite the trial of the suit, failing which the parties may be directed to conduct trial through video-conference within a stipulated time period fixed by this Hon'ble Court.

These applications coming on this day before this Court for hearing the court made the following order:-

Application No.4168 of 2017 has been filed by the applicant/plaintiff to grant extension for a further period of four months to conduct and conclude the evidence in C.S. No.979 of 2007, pursuant to the earlier order dated 04.06.2015 in O.S. No.100 of 2015.

2. Application No.4169 of 2017 has been filed by the applicant/plaintiff to direct the parties to adopt the case enhancement schedule annexed hereunder to expedite the trial of the suit, failing which the parties may be directed to conduct trial through video-conference within a stipulated time period fixed by this Court.

3. There has been an earlier direction passed by the Division Bench, that the trial in both C.S. No.979 of 2007 and C.S. No.1111 of 2007 should be completed within a specific period. However, the trial has not either commenced/completed or ended within the time period.

4. Now both the parties have come up with these applications seeking direction to review the schedule to complete the trial. P.W.1 alone has been examined and he has been in the witness box for a considerable period of time and he has also been cross examined and the matter is posted for re-examination.

There are also five further witnesses to be examined. The two witnesses on the side of the plaintiff and other three witnesses on the side of the defendant. This number of witnesses were stated by the learned counsel. Keeping in mind, the stage of the trial as on date, hopefully there will not also be an occasion for either side to produce additional witnesses.

5. It is made clear that rebuttal evidence can be let in only with the permission of this Court.

6. The learned senior counsel for the plaintiff states that they will re-commence the examination of P.W.1, on 01.09.2017 and both sides stated that a further six months to be accommodated to complete the examination of all further witnesses. Consequently, time schedule is extended till 31.03.2018, on which date, hopefully, the entire trial in C.S. No.979 of 2007 and C.S. No.1111 of 2007 shall be completed.

7. At any rate, call both the cases namely, C.S. No.979 of 2007 and C.S. No.1111 of 2007, on 18.12.2017, so that the Court may be informed about the actual progress with respect to the trial and examination of witnesses.

8. Mr.C.Manickam, Retired District Judge, has been appointed as Advocate Commissioner, to record the evidence. An initial remuneration of Rs.1 lakh was paid. A further sum of Rs.1 lakh is fixed as further remuneration to be shared in equal

proportion between the two litigating parties. Further remuneration if any, will be decided on 18.12.2017.

9. With such observation, both the Application Nos.4168 and 4169 of 2017 are closed.

sd/-C.V.K.J
16.08.2017

//Certified to be a true copy//

Dated this the day of 2017

jj 28.08.2017

COURT OFFICER

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