

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

THURSDAY, THE 05TH DAY OF SEPTEMBER 2019

THE HON'BLE MR. JUSTICE N.SATHISH KUMAR

A.No.6054 of 2019

in

C.S.No.308 of 2015

M/s.K & K Contech Engg Pvt Ltd
Represented by Mr.Cheol ho Kim
Executive Director,
3203, 1st Floor, U.K.Towers,
Mount Poonamallee Road
Kattupakkam,
Chennai 600 056 ..Plaintiff

-vs-

M/s. Madha Construction of Properties Pvt Ltd
Represented by Managing Director
Dr.S.Peter having its administrative
Office at No.1A, Chari Street,
North Usman Road, T.Nagar,
Chennai 600 017 ..Defendant

A.No.6054 of 2019

M/s.K & K Contech Engg Pvt Ltd,
Represented by Mr.Cheol ho Kim
Executive Director,
3203, 1st Floor, U.K.Towers,
Mount Poonamallee Road
Kattupakkam,
Chennai 600 056 ..Applicant/Plaintiff

-vs-

M/s. Madha Construction of Properties Pvt Ltd
Represented by Managing Director
Dr.S.Peter having its administrative
Office at No.1A, Chari Street,
North Usman Road, T.Nagar,
Chennai 600 017 ..Respondent/Defendant

This application praying that this Hon'ble Court be pleased to summon the Surveyor-Mr.N.D.Elango, residing at Door No.45 Vellalar Street, Flat No.D1 Ground Floor SSSP (North) Apartment Mogappari west Chennai-600 037 and examine him as a witness and permit the Applicant/Defendant to cross examine him.

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

The present Application has been filed by the defendant/applicant to summon the Surveyor, Mr.N.D.Elango and to examine him as a witness and also to permit the applicant/defendant to cross-examine the said Surveyor.

2. Heard the learned counsel appearing for the applicant.

3 It is to be noted that under Order XVIII Rule 3A CPC, the party may address their oral arguments before examination of any other witnesses. However, such legal provision has not been opted by the parties.

4. In view of the above, though the defendant has not filed the Proof Affidavit within the time frame fixed by this Court, in its order, dated 26.06.2019, i.e. on or before 06.08.2019, in order to give a fair opportunity to the parties, this Court is inclined to permit the defendant to file the Proof Affidavit on 16.09.2019 before the learned

<https://hcservices.eco.mys.gov.in/hcservices> without fail and above witness shall be cross-examined within two days after the examination of D.W.1 is

over. Thereafter, the defendant is entitled to summon the witness sought to be examined in A.No.6054 of 2018, viz., the Surveyor and the said Surveyor shall be examined in Chief and cross examined by the applicant on the same day.

Sd/-N.S.K.J.

05.09.2019

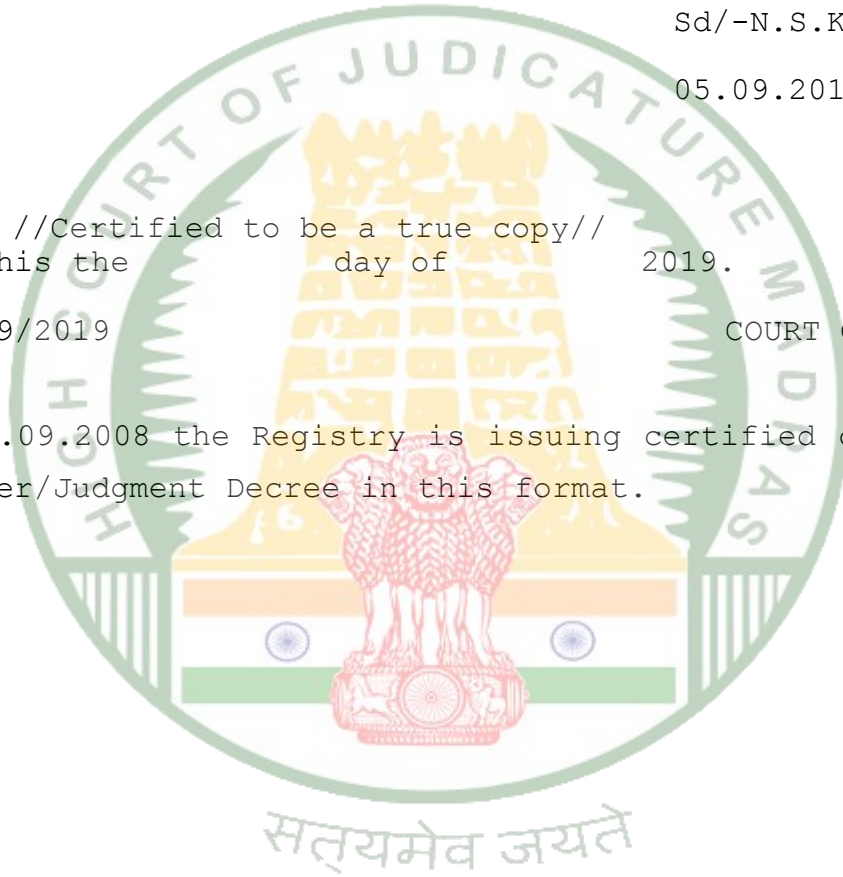
//Certified to be a true copy//

Dated this the day of 2019.

SU/13/09/2019

COURT OFFICER

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



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