

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

WEDNESDAY, THE 13TH DAY OF NOVEMBER 2019

THE HON'BLE MR. JUSTICE N.SATHISH KUMAR

A. NoS.7548 AND 7549 of 2019

in

C.S.No.370 of 2014

Mr.Gapparov Abdivakhab
Son of Abdujabbor
Tashkent City,
5, Rahimov District,
Tasmi Street,
12/57, Usbekistan

.. Applicant/Plaintiff
in all applications

Vs.

1. M/s.Golden Trees Biotech Pvt. Ltd.,
Rep. by its Managing Director,
Mr.Nasser Ali,
Having office at No.119, Bricklin Road,
Grama Street, 1st Floor, Purasaiwalkam,
Chennai - 600 007.

2. Mr.Nasser Ali,
Managing Director,
M/s.Golden Trees Biotech Pvt. Ltd.,
No.119, Bricklin Road, Grama Street,
1st Floor, Purasaiwalkam,
Chennai - 600 007.

.. Respondents/Defendants.
in all applications

A.No.7548 of 2019:

This application praying that this Hon'ble Court be
pleased to permit me to let in evidence and further conduct
the case on behalf of the Applicant/Plaintiff.

A.No.7549 of 2019:

06/09/2019 executed by the Applicant/Plaintiff in my favour as additional document.

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

A.No.7548 of 2019 has been filed seeking leave to file the additional document viz., Power of Attorney dated 06.09.2019 as suit document in C.S.No.370 of 2014 and A.No.7549 of 2019 has been filed to permit the Power Agent to give evidence.

2. Heard both sides. It is a well settled proposition that the agent cannot substitute the evidence of the principal, unless the agent is well acquainted with the transaction. It is the contention of the learned counsel for the applicant that as far as the first relief is concerned, the defendant admitted to the non supply of goods and the damages, whether or not the agent is acquainted with these facts, cannot be decided at this stage and it can be seen only at the time of trial. Only after trial, the validity of the evidence can be gone into.

3. As rightly contended by the learned counsel for the applicant, I am of the view that it is premature at this stage to decide whether the agent is acquainted with the facts and it is a matter of evidence and thus it can be seen after trial and in view of the same, the respondents are at liberty to raise any objection during the examination of the Power Agent and similarly, the document is also permitted to be marked subject to the admissibility. The respondents are at liberty to raise objection with regard to the admissibility of the documents and its validity can be decided at the time of trial.

4. With the above observations, both the applications are ordered. Post these matters before the learned Master on 02.12.2019, for recording evidence and the cross examination of the plaintiff's side witness shall

be completed on or before 06.12.2019. The defendant's side evidence shall be commenced on 08.12.2019 and cross examination of the defendant's side witness shall be completed on or before 13.12.2019. After recoding evidence, list the matter before this Court on 16.12.2019 for filing written arguments.

Sd/.N.S.K.J.
13.11.2019

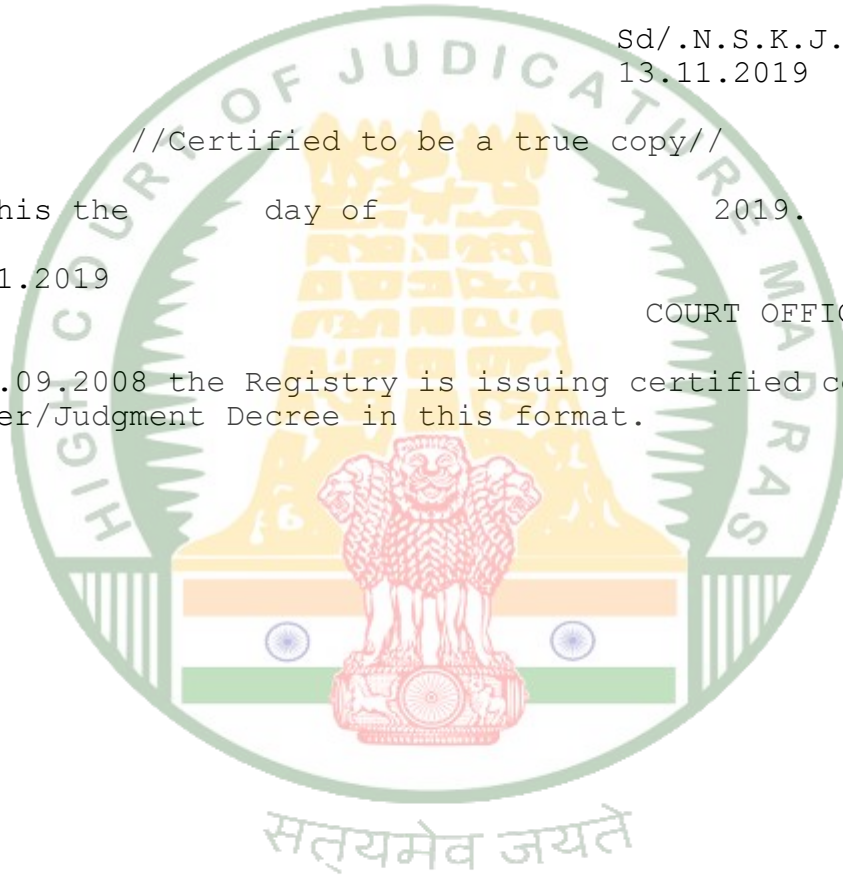
//Certified to be a true copy//

Dated this the day of 2019.

SU/20.11.2019

COURT OFFICER

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



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