

**A.No.246 of 2020
in
T.O.S.No.8 of 2018**

SENTHILKUMAR RAMAMOORTHY, J

This application is filed to permit the petitioner to record the evidence of Mr.M.Raveendran, who is proposed to be examined as PW2 before the conclusion of the evidence of PW1.

2. I heard the learned counsel for the applicant and the learned counsel for the respondents.

3. The learned counsel for the applicant submitted that the evidence of PW1 could not be completed because the applicant has applied for certified copies of certain documents from the SRO concerned and that this process is taking time. Meanwhile, he submits that the attesting witness, namely, Mr.M.Raveendran Nair, son of Madhavan, is 72 years old. He recently underwent a minor surgical procedure and was discharged on 06.12.2019. Therefore, he submitted that it is in the interest of justice to permit PW2 to be examined before the evidence of PW1 is concluded.

4. In response, the learned counsel for the respondents submits that he is willing to conclude the cross-examination of both PW1 and PW2 expeditiously. In particular, he submits that he is willing to commence the cross-examination of PW2, immediately after the evidence of PW1 is concluded. On the above basis, he submits that it is not necessary to permit the examination of PW2 before the conclusion of the evidence of PW1.

5. I considered the submissions of the respective parties and examined the affidavit and relevant documents.

6. It is the admitted position that the examination-in-chief of PW1 has not been concluded and the reason cited is the non-availability of certain documents, which the applicant has applied for from the SRO concerned. As regards the health condition of PW2, it appears from the discharge summary of SIMS Hospital, Vadapalani that he was discharged from the hospital on 06.12.2019 after carrying out a minor surgical procedure whereby an abscess was excised.

7. Keeping in mind the fact that the PW1 was discharged on 06.12.2019 and also the fact that the learned counsel for the respondents is ready and willing to conclude the cross-examination of both PW1 and PW2 expeditiously, I propose to dispose of this application with the following directions:-

1. *The applicant shall continue with the examination-in-chief of PW1 from 24.02.2020.*

2. *The learned counsel for the respondents is directed to commence the cross-examination of PW2 on the date immediately following the conclusion of the cross-examination of PW1.*

3. *Both the parties are directed to extend their co-operation so as to ensure that the evidence of PW1 and PW2 is concluded expeditiously.*

4. *List the matter before the learned Master on 24.02.2020 for the continuation of PW1's evidence.*

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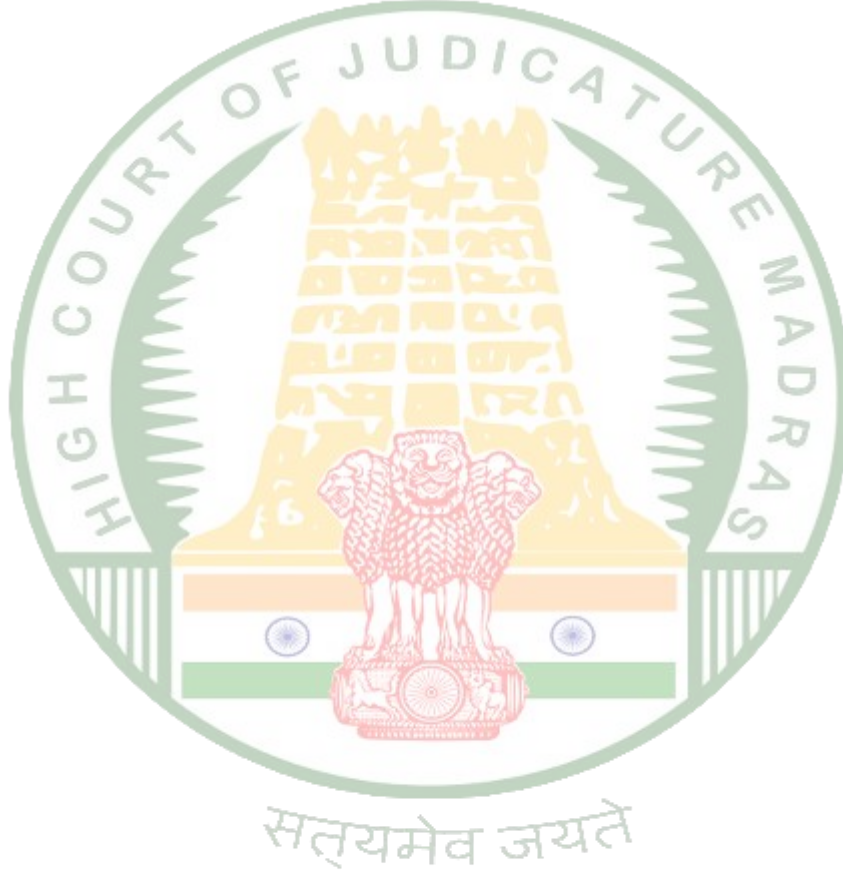


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