

**A.No.364 of 2020
and
C.S.No.252 of 2014
SENTHILKUMAR RAMAMOORTHY, J.**

This application is filed to appoint a commissioner to record the evidence, cross examination and re-examination of PW1.

2. I heard the learned counsel for the applicant /plaintiff and the learned counsel for the respondent/defendant.

3. The learned counsel for the applicant submitted that the applicant is a Member of Parliament and therefore he is unable to be personally present in Court in connection with the deposition. He further submitted that he has come to the court on several occasions. But, evidence could not be recorded for one or the other reason. Therefore, the present application is filed. Earlier, when the application was taken up for hearing, I had directed the learned counsel for the applicant to ascertain specific dates that are convenient to the applicant for the purpose of concluding his evidence. The learned counsel submitted that he would be available to conclude his evidence on 21, 24, 25 or 26 of this month. But he is not available in the month of March.

4. The learned counsel appearing for the respondent agrees to continue with and conclude this cross examination on 26.02.2020.

SENTHILKUMAR RAMAMOORTHY, J.

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5. Therefore, this application is disposed of with the following directions:

i. The applicant shall be present and available for the cross examination on 26.02.2020 before the learned Additional Master III.

ii. The respondent shall continue with and conclude the cross examination on the same date.

iii. The applicant is granted leave to re-apply if the situation warrants.

6. Post the matter before the Learned Additional Master III on 26.02.2020.

13.02.2020

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