

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

MONDAY, THE 28TH DAY OF SEPTEMBER 2020

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

A. No.1952 of 2020
in
C.S.No.796 of 2015

M/s. Jayalakshmi Estates,
Rep.by its Managing Partner
Mr.B.Ramesh Kumar,
Old Door No.8, New Door No.29
Jayalakshmi Estates,
Haddows Road,
Chennai - 600 006

...Applicant/Plaintiff

-VS-

Access Atlantech Edutainment (India) Ltd.,
Rep.by his Chief Operating Officer
Mr.Ratish Babu,
Nijapadam,
No.6/9, Damodaran Street,
Mayor Ramanathan Salai,
Chetpet, Chennai - 600 031

...Respondent/Defendant

Application praying that this Hon'ble Court be pleased to Restore the above Suit on file which is disposed on 10/01/2020 and provide an opportunity to Plaintiff to produce his witness and contest the above case on merits.

This application coming on this day before this court for hearing the

This application has been filed by the plaintiff seeking to restore the suit which was dismissed for non-prosecution on 10.01.2020.

2. The stage of the suit was that the witness, P.W.1, B.Ramesh Kumar was in the witness box and he was subjected to the cross-examination.

3. During cross-examination, unfortunately the witness suffered illness and collapsed in the witness box itself. He was taken to the Hospital and he could not thereafter come back to subject himself to the cross examination.

4. A Medical Certificate has been produced in support of the present application wherein the Senior Consultant-Neurologist, Neurosurgeon & Epileptologist of Kauvery Hospital in Chennai had stated that the said witness Mr.B. Ramesh Kumar is suffering from "high blood pressure and an arteriovenous malformation in the brain" and that "this can cause cognitive dysfunction and episodic memory loss especially for recent events".

5. The reason for non appearance on subsequent dates, is an acceptable one, in view of at least one decipherable reasons-memory loss.

6. Heard the learned counsel for the respondent/defendant also who was very fair and stated that the application can be considered in the light of the reasons stated

7. In view of the these facts, application is allowed and the suit in C.S.No.796 of 2015 is restored to file.

Sd/.C.V.K.J.

28.09.2020

//Certified to be a true copy//

Dated this the day of 2020.

su.29.09.2020

COURT OFFICER(O.S.)

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



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