

IN THE HIGH COURT OF JUDICATURE AT MADRAS
(TESTAMENTARY AND INTESTATE JURISDICTION)

TUESDAY, THE 10TH DAY OF MRCH 2020

THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

A.Nos.786 and 787 of 2020
in
T.O.S.No.17 of 2013

In the matter of Indian Succession
Act,XXXIX of 1925,

and

In the matter of the Last Will &
Testament of P.Sourirajalu(Deceased)

S.RAJASIMHAN
S/o.late P.Sourirajalu
B – 4, 1/676 Sixth Street,
Karthikeyapuram,
Madipakkam,
Chennai - 600 091.

..Plaintiff

WEB -vs- COPY

S.RAJAGOPAL
S/O.LATE P.SOURIRAJALU
ALANGUDICHERRY ,
B.O (VIA) TITACHERRY,
NAGAPATTINAM DISTRICT - 609 703

..Defendant

A.Nos.786 and 787 of 2020:

S.RAJAGOPAL
S/O.LATE P.SOURIRAJALU
ALANGUDICHERRY ,
B.O (VIA) TITACHERRY,
NAGAPATTINAM DISTRICT - 609 703

..Applicant in both
applications

-VS-

S.RAJASIMHAN
S/o.late P.Sourirajalu
B – 4, 1/676 Sixth Street,
Karthikeyapuram,
Madipakkam,
Chennai - 600 091.

..Respondent in both applications

A.No.786 of 2020:

Application praying that this Hon'ble Court be pleased to re-open the evidence of PW1.

A.No.787 of 2020:

Application praying that this Hon'ble Court be pleased to recall PW1 for further cross examination.

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

These applications are filed to reopen the evidence of P.W1 and to recall P.W.1 for further cross examination.

2. I heard the learned counsel for the Applicant/Defendant and the counsel for the Respondent/Plaintiff.

3. The learned counsel for the Applicant submitted that the applicant was suffering from Cerebral Sinovenous Thrombosis (CSVT) in July 2019. Therefore, when the matter was listed on 20.08.2019 before the learned Additional Master-II for the cross-examination of P.W.1, an adjournment was requested because the applicant was unable to provide necessary instructions to the counsel. In those facts and circumstances, the cross-examination of P.W.1 was closed and the matter was posted before this Court on 21.11.2019.

4. The learned counsel for the Respondent/Plaintiff submitted that the present application may be allowed subject to the conclusion of such cross-examination within a stipulated time limit.

5. Upon considering the submissions of the respective parties and on perusing the affidavits filed in support of these applications, in particular, paragraph Nos.3 and 4 thereof, I am of the view that sufficient cause has been made out to reopen the evidence of P.W.1 and recall P.W.1 for further cross-examination. However, as submitted by the learned counsel for the respondent, it is just and necessary that the cross-examination be concluded expeditiously, in view of the fact that the examination-in-chief of P.W.1 was concluded in 2014.

6. Accordingly, these Applications are allowed. List the matter before the learned Additional Master-II on 01.04.2020 for further cross-

examination of P.W.1. Such cross-examination shall be concluded by the learned counsel for the Applicant/Defendant on or before 30.04.2020.

Sd/.S.K.R.J.
10.03.2020

//Certified to be a true copy//
Dated this the day of 2020.

S.U./19.03.2020 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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