

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 19.08.2020

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THE HONOURABLE Ms. JUSTICE P.T. ASHA

A.Nos.1678 & 1679 of 2020

in

C.S.No.540 of 2016

K.Mohanasundaram

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Applicant

Vs.

1.Dhanasekaran

2.Tamilselvi

...

Respondents

Prayer in A.No.1678 of 2020: Judges summon filed under Order XIV Rule 8 of the Original Side Rules read with Section 151 of the CPC to re-open the defendant side evidence in the above suit.

Prayer in A.No.1679 of 2020: Judges summon filed under Order XIV Rule 8 of the Original Side Rules read with Rule 17 and Section 151 of the CPC to re-call the defendant side evidence in the above suit.

For Applicant : Mr.P.Paul Selvam

For Respondents : Mr.P.Pradeep

COMMON ORDER

The above applications have been filed for re-opening and re-calling the defendant's side evidence which was closed on 12.03.2020. In paragraph No.3 of the affidavit filed in support of the said applications the applicant would submit that on the said date due to high blood pressure he had fainted and he had asked his wife to inform his counsel. However, the evidence was closed. Thereafter due to total lock-down he was unable to take up these applications. Therefore the delay in taking out the application.

2. He would submit that they have substantial defense in the above suit and that if evidence is not re-opened it would create irreparable hardship and loss to the defendant. The learned counsel for the plaintiffs / respondents would oppose the said applications and state that he had made a call on several occasions for the defendant to submit their evidence.

3. The records would show that the plaintiffs side evidence was closed on 19.12.2019. The matter was posted for defendant's side evidence on 22.01.2020. The defendant had not submitted his evidence till 12.03.2020. Considering the delay on the part of the defendant from 22.01.2020 till 12.03.2020, this Court is of the view that the applications can be allowed on terms. Accordingly, the applications are allowed on condition that the applicant / defendant will pay a sum of Rs.2000/- as a cost to the learned counsel appearing for the plaintiffs / respondents on or before 02.09.2020. For Reporting Compliance post the matter on 03.09.2020.

19.08.2020

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Internet : Yes/No

Index : Yes/No

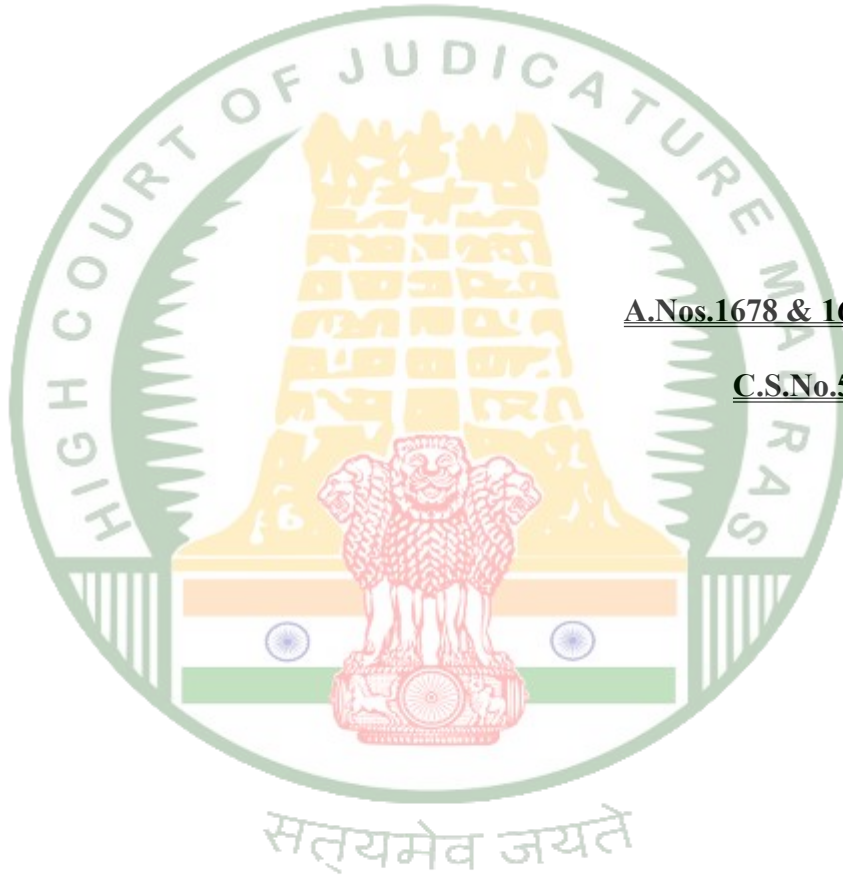
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P.T. ASHA. J.,

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