

A.No.9730 of 2019
in
C.S.No.23 of 2012

M.SUNDAR,J.

Read this in conjunction with and in continuation of a separate order made today in A.No.9731 of 2019, which has been taken out by the first defendant in the main suit with a prayer to reopen first defendant's side evidence. The order therein reads as follows:

'Instant application with a prayer for reopening first defendant's side evidence has been taken out by the first defendant in the main suit.

2. There is one plaintiff and two defendants in the main suit. For the purpose of clarity, it is made clear that Crescent Auto Repairs and Services India Private Ltd., is the plaintiff, Chennaivazh Kovilpatti Nadar Uravin Murai Sangam, Represented by its President Mr.L.M.Krishnaswamy Nadar is the first defendant and Chennaivazh Kovilpatti Nadar Uravin Murai Sangam (Reg.No.45/84) represented by its President K.Ramasamy Nadar is the second defendant. Parties in this application shall be referred to by their respective ranks in the main suit for the sake of convenience and clarity.

3. Before proceeding further, for the sake of clarity and specificity, it is made clear that the plaint copy shows three defendants, but all the counsel before this Court accept the position that the former second defendant S.Tamizharasan has been deleted from the array of parties and therefore, Chennaivazh Kovilpatti Nadar Uravin Murai Sangam

(Reg.No.45/84) represented by its President K.Ramasamy Nadar has now become the second defendant.

4.Mr.G.Radhakrishnan, learned counsel on behalf of first defendant, who has taken out this application and Mr.S.Packiaraj, learned counsel for second defendant and Mr.Sagadevan, learned counsel for plaintiff are the counsel in the instant matter.

5. There is no *disputation or disagreement* before this Court that one Mr.K.Murugan was deposing as DW1 on behalf of first defendant and that he was being cross-examined by the counsel for second defendant when defendants' side evidence was closed by learned Additional Master III on 17.06.2019. Instant application has been taken out with a prayer for reopening defendants' side evidence. The second defendant and the plaintiff have not filed counter affidavits in instant application, but they submit without admitting the allegations in the affidavit filed in support of instant application that the plaintiff and second defendant will ensure that congenial atmosphere is maintained for cross-examination of DW1. This submission is recorded.

6. Learned counsel for first defendant submits that DW1, K.Murugan, will be present before learned Additional Master III on 10.02.2020. Learned counsel for second defendant as well as learned counsel for plaintiff shall complete the examination of DW1 (K.Murugan) preferably on the same day or latest by 12.02.2020.

Instant application is ordered on above terms.'

2. In the light of aforesaid order, instant application is closed as unnecessary. It is made clear that it is open to the first defendant to examine Mr.L.M.Krishnasamy Nadar as DW2 or further evidence on behalf of first defendant, if so advised.

Instant application is disposed of on above terms.

03.02.2020

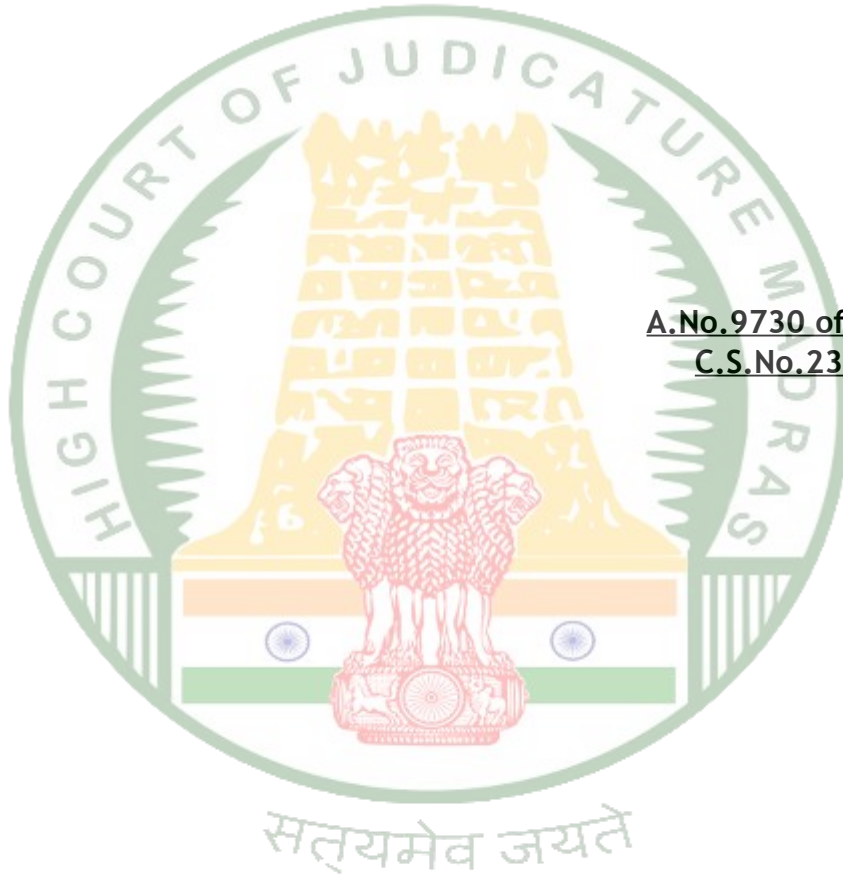
gpa



WEB COPY

A.No.9730 of 2019 in
C.S.No.23 of 2012
M.SUNDAR.J.,

gpa



A.No.9730 of 2019 in
C.S.No.23 of 2012

WEB COPY **03.02.2020**