

A.No.9731 of 2019
in
C.S.No.23 of 2012

M.SUNDAR,J.

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.

03.02.2020

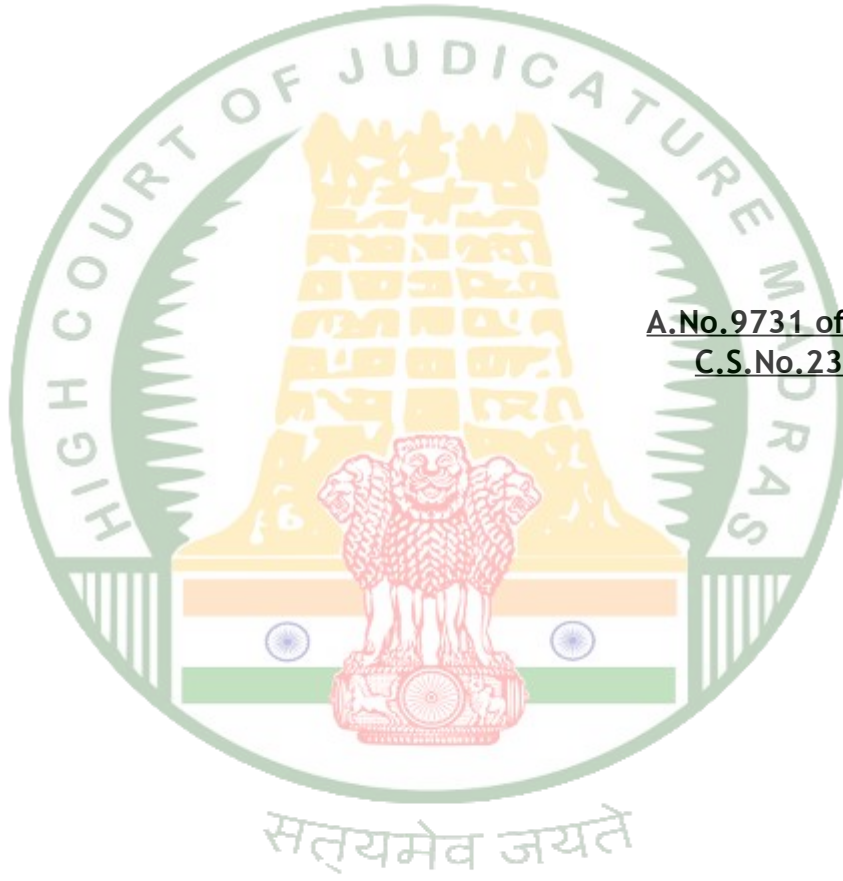
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