

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

MONDAY, THE 3RD DAY OF FEBRUARY 2020

THE HON'BLE THIRU. JUSTICE M.SUNDAR

A.No.9748 of 2019

and

A.No.396 of 2020

in

C.S.No.548 of 2012

1.Smt.Hema Raman,
W/o.Sri.A.G.Raman
G-2, Adithya Kirti, 22/26,
6th Main Road, Nanganallur,
Chennai-600 061.

2.Smt.Jayanthi Raman,
W/o.Sri.B.T.S.Raman
No.14-A, New No.37,
Balakrishnan Street,
West Mambalam,
Chennai-600 033.

..Plaintiffs

-Versus-

Sri.T.S.Seshadri,
S/o.Late T.S.Santhanam,
No.14-A, New No.37,
Balakrishnan Street,
West Mambalam,
Chennai-600 033.

..Defendant

A.No.9748 of 2019 and A.No.396 of 2020:

Sri.T.S.Seshadri,
S/o.Late T.S.Santhanam,
No.14-A, New No.37,
Balakrishnan Street,
West Mambalam,
Chennai-600 033.

..Applicant/Defendant

-Versus-

1.Smt.Hema Raman,
W/o.Mr.A.G.Raman
G-2, Adithya Kirti, 22/26,
6th Main Road, Nanganallur,
Chennai-600 061.

2.Smt.Jayanthi Raman,
W/o.Mr.B.T.S.Raman
No.14-A, New No.37,
Balakrishnan Street,
West Mambalam,
Chennai-600 033.

..Respondents/Plaintiffs

A.No.9748 of 2019

Application praying that this Hon'ble Court be pleased to reopen the Defendant side evidence in the above suit in C.S.No.548 of 2012.

A.No.396 of 2020:

Application praying that this Hon'ble Court be pleased to receive additional documents in the above suit in C.S.No.548 of 2012 described in the schedule hereunder.

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

In the main suit, there are two plaintiffs and a lone defendant. Mr.S.Kartik, learned counsel for lone defendant, who has taken out instant applications on hand and Ms.R.V.Gayatri, learned counsel representing the counsel on record for two plaintiffs/respondents in instant applications are before this Court.

2. This order will dispose of both these applications.

3. For the sake of convenience and clarity, in this order (though it is a common order made in two applications), parties shall be referred to by their respective ranks in the main suit.

4. Learned counsel for sole defendant, who has taken out these two applications has taken out A.No.9748 of 2019 on the assumption that learned Additional Master III has closed defendant's side evidence, but that is not the case. Proceedings of learned Additional Master III on 07.01.2019 and 28.01.2019 read as follows:

'Proceedings of learned Additional Master III on 07.01.2019

Both side counsel present. DW1 not present. As requested by D side counsel for appearance of DW1 to file proof affidavit adj. To 28.01.2019.'

'Proceedings of learned Additional Master III on 28.01.2019

P side counsel present. No rep. for D side. DW1 not present. Despite sufficient adjournments Proof affidavit of DW1 not filed. Hence, post the matter before the Hon'ble Court for further orders.'

5. Now, learned counsel for defendant submits that the sole defendant Mr.T.S.Seshadri will depose as DW1 and that he will be present before the learned Additional Master III on 10.02.2020, on which day proof affidavit would be filed

and lone defendant will make himself available for cross-examination. Learned counsel for plaintiffs submits that plaintiffs would complete the cross-examination on the same day or latest by 12.02.2020. Further witnesses, if any, on the side of the defendant shall be examined and cross-examination by the plaintiffs shall be completed within a fortnight therefrom i.e., by 26.02.2020.

6. Be that as it may, as far as A.No.396 of 2020 is concerned, the same has been taken out by the sole defendant with a prayer for filing two documents through DW1 and according to learned counsel for defendants, they are additional documents. A perusal of the written statement filed by the sole defendant reveals that no documents have been filed with the written statement. Therefore, these documents would not be additional documents, but documents for all practical purposes.

7. Be that as it may, without further dilating on semantics of the matter, this Court deems it appropriate to accede to the prayer in A.No.396 of 2020 albeit with the usual caveat/rider that marking of the documents filed shall be subject to proof and relevance. Learned counsel for defendant submits that these two documents will be marked through DW1 on 10.02.2020 albeit subject to proof and relevance.

Both applications on hand are disposed of on above terms.

Sd./-M.S.J
03.02.2020

//Certified to be true copy//

Dated at Madras this the day of 2020.

JJ 13/02/2020

COURT OFFICER(O.S.)

From 25th day of September 2008 the Registry is issuing certified copies of the Orders/Judgments/Decrees in this format.



WEB COPY