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IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

TUESDAY, THE 28th DAY OF SEPTEMBER 2021

THE HON'BLE MR. JUSTICE N.SESHASAYEE

A.No.1146 of 2015

IN

C.S.No.362 of 2011

1.Dr. Maheswari,
W/o. Ramesh Ramiah,
Presently residing at
No.1608, J.Block,
Anna Nagar West,
Chennai 40

2.Dr.A.Navaneethan,
S/o. Ayyadurai,
Plot No.308, Door No.164-A
12th Street, Natarajapuram South
Thanjavur 613 007

...Plaintiffs

-VS-

1. Ramesh Ramiah,
S/o. Muthu Vijayan Ramiah,
Senior Investment Officer,
Fifth Floor, Room S -50431750
Pennsylvania Ave. N.W.Washington D.C
District of Columbia 20433 USA

2. Ms.Kalpana Ramiah,

3.Senthilkumar Ramiah
Daughter and son of
Muthu Vijayan Ramiah

4.Muthu Vijayan Ramiah,



5.Mrs. Sakunthala Ramiah
W/o. Muthu Vijayan Ramiah
All are residing at 8818
Forthunt Road
Alexandria,
Virginia 22308 USA

...Defendants

A.No.1146 of 2015

1. Ramesh Ramiah,
S/o. Muthu Vijayan Ramiah,
Senior Investment Officer,
Fifth Floor, Room S -50431750
Pensylvania Ave. N.W.Washington D.C
District of Columbia 20433 USA

2. Ms.Kalpana Ramiah,

3.Senthilkumar Ramiah
Daughter and son of
Muthu Vijayan Ramiah

4.Muthu Vijayan Ramiah,

5.Mrs. Sakunthala Ramiah
W/o. Muthu Vijayan Ramiah
All are residing at 8818
Forthunt Road
Alexandria,
Virginia 22308 USA

...Applicants/Defendants

Vs

1.Dr. Maheswari,
W/o. Ramesh Ramiah,
Presently residing at
No.1608, J.Block,
Anna Nagar West,
Chennai 40.



2.Dr.A.Navaneethan,
S/o. Ayyadurai,
Plot No.308, Door No.164-A
12th Street, Natarajapuram South
Thanjavur 613 007

..Respondents/.Plaintiffs

Application praying that this Hon'ble Court be pleased to allow the Applicants 1 to 5 to submit their evidence through video conferencing by appointment of an Advocate Commissioner including submitting their proof affidavit executed in USA.

This Application coming on this day before this court for hearing, the court made the following order:

Learned counsel for the plaintiff submits that there is no compromise. This Court has been informed that the trial has commenced.

2.The suit is for damages and the trial of the case has commenced sometime in 2014. The plaintiffs' side evidence is closed and the case stands posted for the defendants' side evidence. This application is filed in 2015 seeking leave to examine the defendant through Video Conferencing. The objection is that the 1st defendant is a fugitive at law, and hence he is incompetent to tender evidence to defend the civil case from a far way U.S.A.



3. Today, by default, video conferencing has become the mode of examining the witnesses officially as the pandemic days are not yet over and this case is in its 10th / 11th year of its institution. In the interest of the substantial justice, and in order, this litigation does not stagnate and clog the system. This Court allows this application and directs the examination of the defendant through video conferencing.

4. The case is now directed to be posted before the learned Additional Master No.II on 07.10.2021, on which date, the learned Additional Master No.II is required to fix the time for examination of D.W.1 through Video Conferencing. The learned counsel for the plaintiff submits that he would be confronting some documents during the cross examination. This process is already permitted, and the same will be available to the plaintiff as well in this case.

5. Post the matter on 07.10.2021.

Sd./-NSSJ

28.09.2021

//Certified to be true copy//

Dated at Madras this the day of 2021.

COURT OFFICER(O.S.)

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

JJ 09/11/2021