



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

WEDNESDAY, THE 17th DAY OF NOVEMBER 2021

THE HON'BLE MR. JUSTICE N.SESHASAYEE

A.No.3579 of 2021

in

C.S. No.16 of 2013

Advait Shivkant Nathan,
162, Justice V.Ramaswami Road,
Kamaraj Avenue,
Adyar, Chennai – 600 020.
Represented by his Agent,
Justice V.Ramaswami (RETD)

... Plaintiff

-Versus-

1. Shivkant Jaganathan,
100 & 101 D Block, 6th Street,
Anna Nagar East,
Chennai – 600 102.

***2.Sureka Alagannan,
New No.4, Old No.100, D Block,
6th Street, Anna Nagar (East),
Chennai 600 102.**

***3.Ms.Tara,
Minor Represented by Guardian
Shivkant Jaganathan (Defendant1),
New No 4, Old No.100, D Block,
6th Street, Anna Nagar (East),
Chennai 600 102.**

... Defendants

*** (Defendants 2 and 3 impleaded as per order
dated 19/9/13 in A.No.2847/2013
and time extended as per order dated
18/11/13 in A.No.5438/2013)**

**A.No.3579 of 2021:-**

1.Sureka Alagannan,
Wife of Dr.Shivkant Jaganathan,
New No.4, Old No.100,
D Block, 6th Street, Anna Nagar (East),
Chennai 600 102.

2..Ms.Tara,
Minor aged about 14 years,
Represented by her father and natural Guardian
Dr.Shivkant Jaganathan,
Respondent 1 to 2 presently residing at
No:38, The Birche's South Wooton,
King's Lynn, United Kingdom – PE 303JG,
Permanent Address:
New No:4, Old No:100,
D Block, 6th Street, Anna Nagar East,
Chennai – 600 102. ... Applicants/2nd and 3rd Defendants
-Versus-

1.Advait Shivkant Nathan,
Represented by his Power Agent:
Justice V.Ramasani (Retd),
Kamaraj Avenue,
Adyar, Chennai – 600 020. ... 1st Respondent/Plaintiff

2.Dr. Shivkant Jaganathan,
Son of Late Dr.R.Jaganathan,
100 & 101, “D” 6th Street,
Anna Nagar East, Chennai – 600 102. ... 2nd Respondent/1st Defendant

A.No.3579 of 2021:-

Application praying that this Hon'ble Court be pleased to reject the

Proof Affidavit filed by the Deponent.



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

This Application is filed to strike out portions of averments in the affidavit of chief examination of P.W.1.

2.Since the said affidavit has already been taken on record and cross-examination also has began on the same, it may not be possible to strike of evidence merely because it may speak to something which in the perception of the applicants is not true or justifiable. The merit of the same can be considered at the appropriate stage of the litigation. After all, if an evidence is not relevant or admissible, the Court is duty bound to ignore them and the applicants always have an option to cross-examine P.W.1 even on that aspect if they are so desirous.

3.The Application accordingly closed.

Sd./-NSSJ.
17.11.2021

//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 24/11/2021