



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

THURSDAY, THE 28TH DAY OF OCTOBER 2021

THE HON'BLE MR. JUSTICE R.SUBRAMANIAN

A.No.3885 of 2021

in

C.S.No.657 of 2008

VELLORE INSTITUTE OF TECHNOLOGY,
A TRUST REGISTERED UNDER THE
INDIAN TRUST ACT, REPRESENTED
BY ITS MANAGING TURSTEE
MR.G.VISWANATHAN,
DEEMED UNIVERSITY,
VELLORE-632 014,
ALSO HAVING THEIR BRANCH,
AT OLD NO.W-73, NEW NO.6,
W.BLOCK, 2ND STREET,
ANNA NAGAR, CHENNAI-40

..PLAINTIFF

-VS-

1. M/S VICTORIAN INSTITUTE OF TECHNOLOGY,
LEVEL 14, 123,
QUEEN STREET, MELBOURNE,
VIC 3000 AUSTRALIA

2. MADRAS COMMUNITY COLLEGE,
NO.2, ROSARY CHURCH ROAD,
SANTHOME, CHENNAI -600 004

3. THE PROMENADE
GOUBERT AVENUE,
NEAR GANDHI STATUE,
PONDICHERY

..DEFENDANTS



A.No.3885 of 2021

WEB COPY

VICTORIAN INSTITUTE OF TECHNOLOGY,
LEVEL 14, 123,
QUEENS STREET, MELBOURNE,
VIC 3000 AUSTRALIA

..APPLICANT/1ST DEFENDANT

Vs

VELLORE INSTITUTE OF TECHNOLOGY,
A TRUST REGISTERED UNDER THE
INDIAN TRUST ACT, REPRESENTED
BY ITS MANAGING TURSTEE
MR.G.VISWANATHAN,
DEEMED UNIVERSITY,
VELLORE-632 014,
ALSO HAVING THEIR BRANCH,
AT OLD NO.W-73, NEW NO.6,
W.BLOCK, 2ND STREET,
ANNA NAGAR, CHENNAI-600 040.

..RESPONDENT/PLAINTIFF

2. MADRAS COMMUNITY COLLEGE,
NO.2, ROSARY CHURCH ROAD,
SANTHOME,
CHENNAI -600 004

..RESPONDENT/2ND DEFENDANT

3. THE PROMENADE
GOUBERT AVENUE,
NEAR GANDHI STATUE,
PONDICHERRY

..RESPONDENT/DEFENDANT

Application praying that this Hon'ble Court be pleased to permit this
1st defendant to appear through Video conferencing before Hon'ble
Additional Master II for cross examinations in C.S.No.657 of 2008.



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

This application has been filed by the 1st defendant in the suit seeking permission for the witness on behalf of the defendants to appear through video conference for cross-examination.

2. The reasons assigned is that the witness is the resident of Hyderabad and therefore he is unable to appear physically due to the prevailing pandemic and the travel restrictions.

3. This application is stoutly opposed by the 1st respondent viz., the plaintiff in the suit on the ground that there are no travel restrictions and the witness had in fact appeared in person for tendering his evidence in chief examination.

4. Mr.A.Ramesh Kumar, learned counsel appearing for the applicant would submit that the chief examination was taken prior to the pandemic and the fact that the witness appeared in person for chief examination cannot be made the ground to deny the prayer seeking to appear through video conference.



5. Another objection taken by Mr.G.Viswanathan, learned counsel appearing for the 1st respondent is that the cross-examination through video conference will not be very effective.

6. I am unable to subscribe to the said contention of the counsel, inasmuch as the suit is one for infringement of the trade mark and oral evidence has a very negligible role of play in determination of such suits. Whenever the parties are willing to use the available technology, the Court must lend helping hand to them. Hence, this application to enable the witness to tender evidence through video conference is **allowed**. The witness shall tender evidence through video conference.

7. The Registry is directed to list the suit before the learned Additional master – II on 10.11.2021. The cross-examination shall be completed by 24.11.2021.

Sd./-RSMJ

28/10/2021

//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.

11/01/11/2021