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Application No.4009 of 2021
in
C.S.No.279 of 2019
(Commercial Division)

N. ANAND VENKATESH, J.

This application has been filed to substitute the witness PW-1 and for eschewing the evidence given by one Mr.P.Kumar as PW-1 and to permit the applicant to mark the documents afresh.

2.It was brought to the notice of this Court that there are several suits pending between the same parties. In some of the suits similar application was filed. This Court on considering the grievance expressed by the applicant/plaintiff, allowed the application by providing sufficient safeguards. Useful reference can be made to the order passed in one such application in A.No.3813 of 2021 in C.S.(Comm.Div) No.200 of 2019, dated 26.10.2021.

3.In view of the above, this application stands allowed. Accordingly, the evidence of Mr.P.Kumar examined as PW-1 is eschewed. The Proprietrix is permitted to be examined as PW-1 afresh. Insofar as the documents are concerned, the learned Additional Master while recording the evidence will ensure that original documents are marked and it will be subject to relevancy, admissibility and proof. It shall also be ensured that the documents that are marked is spoken to by the competent witness.



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4.Post the matter before the learned Additional Master I on **30.11.2021** for continuation of examining the witness. On completion of examining the witness on both sides, the matter shall be sent back to this Court for further proceedings.

16.11.2021

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