



A.No.2298 of 2022 in
C.S.No.43 of 2020

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C.V.KARTHIKEYAN,J.

This Application has been filed by the defendant seeking to frame a preliminary issue with respect to suppression of material facts.

2. Whether the plaintiff had suppressed material facts or not is fact to be determined after examination of evidence. Both the plaintiff and the defendant have a primary responsibility to lead evidence and only thereafter can it be examined whether the plaintiff should be non suited or whether the plaintiff should be granted the relief sought in the plaint.

3. Therefore, it would only be in the interest of both the parties that parties tender evidence. The Application therefore stands disposed of by directing evidence to be recorded in the main suit on the basis of the issues now recast in A.No.1653 of 2022.

4. Post the matter before the Additional Master III for recording of evidence. List of documents and list of witness to be furnished within two weeks. Thereafter post the matter before the Additional Master III for recording evidence on 11.10.2022.

08.09.2022

mrm

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