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*Appln.Nos.71 and 72 of 2022
in Appln.No.342 of 2006
in I.P.No.16 of 2005*

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M.SUNDAR.,J

Captioned applications have been taken out by fourth respondent in Appln.No.342 of 2006 (Transferee Mr.R.Sundaresan, S/o.Late R.P.Raja) with prayers to re-call and re-open the evidence of P.W.1. This Court is informed that the aforementioned fourth respondent is a subsequent purchaser.

2. Be that as it may, Mr.G.Vinothkumar, learned counsel representing Mr.K.Bijai Sunder, learned counsel for applicant/fourth respondent advertng to support affidavit submits that the matter was last listed for cross-examination of P.W.1 on 28.04.2022 but learned counsel missed the matter as he was held up in some other Court. By that time, learned counsel could reach the Court concerned for cross-examination P.W.1 had left and learned counsel came to know that evidence of P.W.1 has been closed.

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3. Ms.A.Sumathy, learned counsel appearing on behalf of Official Assignee (first respondent in the captioned application) very fairly submits that the main IP is of the year 2005 and it would be rather desirable to complete the cross-examination within a time frame than resisting the re-open and re-call prayers. This, no doubt is a very pragmatic approach.

4. Captioned applications are ordered as prayed for subject to the condition that learned counsel for fourth respondent in A.No.342 of 2006 i.e., R.Sunderasan, S/o.Late Mr.R.P.Raja who is subsequent purchaser should complete cross-examination of P.W.1 within a fortnight from today i.e., on or before 25.07.2022. This Court is informed that one Lakshmi is deposing as P.W.1 and learned counsel appearing on behalf of Official Assignee submits that P.W.1 will be present before learned Master in the next listing for being cross-examined.



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5. List the matter before learned Master day after tomorrow i.e., on 13.07.2022 for cross-examination of P.W.1 - Lakshmi by the learned counsel for fourth respondent.

6. If the counsel for fourth respondent does not complete cross-examination of P.W.1 within a fortnight from today i.e., on or before 25.07.2022, captioned applications will stand dismissed without further reference to this Court.

7. Captioned applications ordered on the above terms. There shall be no order as to costs.

11.07.2022

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