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A.Nos.2548 & 2549 of 2022
in
C.S.(Comm Div) No.50 of 2021

SENTHILKUMAR RAMAMOORTHY, J

The plaintiff has presented two applications. A.No.2549 of 2022 is to recall PW1 in relation to exhibits marked through PW2. A.No.2548 of 2022 is to permit the applicant to examine Kathirdurai alias Annadurai instead of Iniyan as PW5.

2. Learned counsel for the applicant states that it has become necessary to recall PW1 in view of questions posed in cross-examination of PW2 (Mr.S.Rajendiran).

3. Learned counsel for the defendants objects on the ground that the applicant is trying to cover up for the fact that PW2 was unable to respond adequately to questions posed to him in relation to documents exhibited through him. Learned counsel for the defendants also states that the schedule could not be adhered to only because of the applicant/plaintiff. Therefore, it is stated that costs should be imposed.

4. A.No.2549 of 2022 is allowed subject to the condition that the applicant shall pay costs of Rs.10,000/- (Rupees Ten Thousand only) to the



defendants within a period of two weeks from the date of receipt of a copy of this order. In addition, it is allowed subject to the condition that the examination-in-chief of PW1 shall be confined to the exhibits. Even in relation thereto, PW1 shall not identify the documents but may speak of the documents subject to the objections of the defendants. A.No.2548 of 2022 is allowed subject to the condition that PW5 (Kathirdurai) shall be available for examination in the week beginning 25.07.2022.

5. In view of the above applications and orders passed therein, the schedule fixed on 08.03.2022 has to be re-fixed. After ascertaining the availability of witnesses and convenience of counsel, the following revised schedule is fixed:

1. Examination of PW1 : between 20.07.2022 and 22.07.2022
2. Service of proof affidavit of PW5
on defendants : on or before 22.07.2022
3. Examination of PW5 : between 25.07.2022 and 29.07.2022
4. Service of proof affidavit of DW1
on plaintiff : on or before 05.08.2022
5. Examination of DW1 : between 08.08.2022 and 12.08.2022
6. Service of proof affidavit of DW2 : on or before 12.08.2022
on plaintiff
7. Examination of DW2 : between 16.08.2022 and 18.08.2022
8. Service of proof affidavit of DW3
on plaintiff : on or before 18.08.2022
9. Examination of DW3 : between 22.08.2022 and 24.08.2022



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10. Service of proof affidavit of DW4

on plaintiff

on or before 24.08.2022

11. Examination of DW4

: between 24.08.2022 and 30.08.2022

12. Service of proof affidavit of DW5

on plaintiff

: on or before 30.08.2022

13. Examination of DW5

: between 01.09.2022 and 07.09.2022

14. Filing of written arguments and

convenience typed sets

: on or before 21.09.2022.

List before the learned Additional Master III on

20.07.2022 for recording evidence as per the above

schedule.

List before this Court on 21.09.2022.

07.07.2022

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