



A.No.4052 of 2022

A.Nos.4052 of 2022
in C.S.No.557 of 2011
A.No.4053 of 2022
in C.S.No.822 of 2014
A.No.4054 of 2022
in C.S.No.26 of 2022

G. CHANDRASEKHARAN, J.

A.No.4052, 4053 & 4054 of 2022 have been filed to appoint an Advocate Commissioner to record the chief and cross examination of applicant Dr.G.George at his residence at S-103, Fourth Main Road, Anna Nagar, Chennai, or through video conferencing.

2.The learned counsel for the applicant submitted that the applicant is 86 years old and has heart ailments, not able to walk and therefore, it is difficult for him to appear before the Court for giving evidence.

3.The learned counsel for the respondents 2 and 4 in A.No.4053 of 2022 opposed this application and submitted that respondents 3 and 4 have not been given any authority to the applicant for representing them through power of attorney.



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4.The learned counsel for respondents in other applications opposed this application on the ground that applicant Dr.G.George though aged, he is moving around and attending all the other work. Therefore, there is no need for appointing Advocate Commissioner for examining him.

5.In reply, the learned counsel for the applicant submitted that it was wrongly mentioned in the affidavit filed in A.No.4053 of 2022 that applicant is representing respondents 2 to 4. He, in fact, representing only second respondent. This submission is recorded.

6.Order XVIII Rule 4 deals with recording of evidence. As per this Rule, the examination in chief shall be given by filing proof affidavit and cross examination and re-examination shall be taken either by the Court or by the Commissioner appointed by it. This provisions is mainly incorporated in C.P.C only to avoid wasting of time of the Court in recording evidence. Therefore, the idea of examining a witness through Advocate Commissioners. Therefore, this Court is of the considered view that the respondents cannot have any legal objection for examining the applicant through Advocate Commissioner. Not only that there is no



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dispute that he is an aged person. Age is always associated with certain diseases related to ageing process. Taking all these facts and circumstances into consideration, this Court allows these applications and appoints Mr.B.Radhakrishnan as an Advocate Commissioner, (No.411/1985), Contact No.9444083966. The learned Advocate Commissioner's fees is fixed at Rs.50,000/- for all the cases. The learned Advocate Commissioner should examine Mr.G.George after the evidence of plaintiff in C.S.No.822 of 2014. Plaintiff's evidence has to be completed within a period of one month from 12.12.2022, on which date the plaintiff in C.S.No.822 of 2022 has to commence his evidence.

29.11.2022

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