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A.No.532 of 2024 in C.S(COMM DIV). Nos.36 and 208 of 2023

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P.VELMURUGAN. J.

This application is filed to eschew the evidence of P.W.1 witness recorded in C.S. (Comm. Div.) No.36 of 2023 and C.S. (Comm. Div.) No.208 of 2023.

2. Heard both sides and perused the materials available on record.

3. On 18.10.2023, since both the counsels on instructions had made endorsements in the Court bundle that the parties are willing for joint trial in respect of the above said two suits, this Court permitted for joint trial. Once joint trial is ordered, the witnesses have to be examined in one suit in which the joint trial is ordered. The plaintiff has to examine common witnesses in both the suits and the defendant has to examine their witnesses in both the suits, whereas, in this case, two separate witnesses have been examined in two separate suits viz., C.S. (Comm. Div.) No.36 of 2023 and C.S. (Comm. Div.) No.208 of 2023, which is against the order of joint trial.



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4. Therefore, both the parties are directed to record evidence in C.S. (Comm. Div.) No.36 of 2023.

5. P.W.1 who was recorded in C.S. (Comm. Div.) No.208 of 2023 is eschewed.

6. Both the parties are directed to file their proof affidavit for the remaining witnesses on or before 24.04.2024.

7. List the matter on 25.04.2024 for fixing Case Management.

15.04.2024

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