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A.Nos.3314 and 3315 of 2024 in C.S.(Comm. Div.) No.267 of 2023

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C.S.(Comm. Div.) No.267 of 2023

P.VELMURUGAN,J.

The plaintiff has filed the application in A.No.3314 of 2024 to issue notice of summons to Ms.Esther McIntyre, Godfreys, Chartered Loss Adjusters having their office at Unit 5b, 295 Blenheim Road, Chirstchruch 8041, P.O. Box 1166, Christchruch 8140 and the application in A.No.3315 of 2024 has been filed to permit chief and cross examination of Ms.Esther McIntyre on the side of the plaintiff's witness, through Video Conferencing as per Rule 7 of the Madras High Court Video-Conferencing in Courts Rules, 2020.

2. The learned counsel for the respondent has no serious objections in examining the said witness by summoning her.

3. A perusal of the accompanying affidavits filed in support of these applications and the submissions of the learned counsel on either side,
both the applications are allowed.



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4. Registry is directed to issue summons to the witness namely Ms.Esther McIntyre. The learned counsel for the applicant/plaintiff is also permitted to serve summons to the said witness P.W.2 for chief examination on 22.07.2024.

5. As directed by this Court by order dated 12.06.2024, both the plaintiff and defendant have filed proof affidavits for chief examination of their respective witnesses for oral evidence and also filed case management schedule.

6. P.W.1 is directed to appear before the learned Master No.4 on 15.07.2024. The plaintiff's counsel is directed to complete the chief examination of P.W.1 on or before 16.07.2024 including marking of documents. Thereafter, the defendant's counsel is directed to cross examine the witness P.W.1 on 18.07.2024 and 19.07.2024. At any cost, the cross examination of P.W.1 has to be completed before 22.07.2024.



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7. The learned Master is directed to record the evidence of P.W.2 on 22.07.2024 through video conferencing. Thereafter, the learned counsel for the defendant is directed to cross examine P.W.2 through video conferencing on 24.07.2024, 25.07.2024 and 26.07.2024. At any cost, the cross examination of P.W.1 and P.W.2 has to be completed on or before 26.07.2024.

8. Thereafter, D.W.1 is directed to appear before the learned Master on 29.07.2024. The learned Master is directed to record the chief examination of D.W.1 including marking of documents on 29.07.2024 and 30.07.2024. Thereafter, the learned counsel for the plaintiff is directed to cross examine D.W.1 on 30.07.2024, 31.07.2024, 01.08.2024 and 02.08.2024.

9. D.W.2 is directed to appear before the learned Master on 05.08.2024. The learned Master is directed to record the chief examination of D.W.2 on 05.08.2024 and 06.08.2024 including marking of documents.



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Thereafter, the plaintiff's counsel is directed to conduct the cross examination of D.W.2 on 07.08.2024, 08.08.2024 and 09.08.2024.

10. At any cost, the recording of evidence of all the witnesses, has to be completed on or before 09.08.2024. It is made clear that no further time would be granted. In case, either the parties or the counsel deviate the above schedule, they shall forfeit their right of letting oral evidence/cross examination.

11. After recording of evidence, both the learned counsel are directed to file their written submissions on or before 23.08.2024.

12. List the matter on 28.08.2024 “for oral submission”.

08.07.2024

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08.07.2024