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A.Nos.4423 & 4424 of 2024
in C.S.No.258 of 2002

SENTHILKUMAR RAMAMOORTHY,J

By these applications, the applicant / second defendant seeks to re-open the evidence, eschew the proof affidavit of Mr.K.Rajkumar and permit the applicant to file a fresh proof affidavit of Mr.K.Kabilan. In the affidavit in support of these applications, it is stated that the proof affidavit of Mr.K.Rajkumar was filed on 27.02.2024 and that D.W.1 was present for being examined on 08.03.2024. Since the learned Additional Master No.II did not sit on the said date, it is stated that the matter was adjourned to 12.03.2024. On 12.03.2024, in view of the schedule fixed by this Court having lapsed, it is stated that the matter was posted before this Court.

2. Learned counsel for the applicant submits that Mr.K.Rajkumar has been transferred and is no longer in the Mount Road Branch of the applicant. Therefore, he submits that it is just and necessary to eschew his proof affidavit and instead permit Mr.K.Rajkumar, Assistant General Manager, to depose on behalf of the second defendant.



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3. Learned counsel for the plaintiff submits that the plaintiff had even filed written submissions after the evidence of the defendants was closed.

4. Upon examining the orders of learned Additional Master No.II and the reasons set out in the affidavits in support of these applications, these applications are liable to be allowed since sufficient cause is shown. Consequently, these applications are allowed as prayed for.

02.09.2024
(1/2)

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