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A NO. 1367 of 2025
IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17-04-2025

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THE HONOURABLE MR JUSTICE K.KUMARESH BABU

A NO. 1367 of 2025

in

C.S.No.636 of 2019

Nisar Ahmed Khan
Propr. of M/s.Lucky Enterprises Rep.by POA

Applicant(s)

Vs

The Board of Trustees and another
Chennai Port Authority, Rep.by its Chief
Mechanical Engineer, Rajaji Salai, Chennai 600
001. and another

Respondent(s)

For Applicant(s):

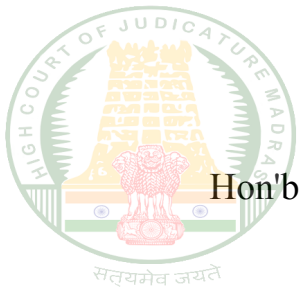
M/s.Aiyar and Dolia

For Respondent(s):

Mr.K.Lavan (For R1)

ORDER

The present application has been filed to issue to subpoena to the Advocate Commissioner Mr.S.Venkidusamy, Advocate, No.137, Additional Law Chamber, High Court buildings, and the Technical Expert Mr.Saji Thomas, Having his office at No.J-58, Anna Nagar East, Chennai 600 102, to appear before this Hon'ble Court on a date fixed this Hon'ble Court and to tender their evidence in respect of their report filed on 21.11.2019 before this



Hon'ble Court.



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2. The learned counsel appearing for the applicant would submit that the present suit had been filed for damages and also to declare the communication issued by the first defendant, blacklisting the plaintiff, as null and void.

3. An earlier application in A.No.8368 of 2019 was filed seeking the appointment of an Advocate Commissioner along with a technical expert. This Court, by order dated 05.11.2019, allowed the said application, and a report was subsequently filed by the learned Advocate Commissioner along with the expert opinion.

4. In order to mark the said Commissioner's report and the expert's opinion, it has now become necessary to take out the present application seeking issuance of Subpoena to summon them for recording their evidence before this Court. Hence, the learned counsel appearing for the applicant would seek that the present application be allowed as prayed for.

5. Countering the said submissions, Mr.K.Lavan, learned counsel



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appearing for the first respondent, would submit that the report of the learned Advocate Commissioner and the technical expert would not prove the case of the applicant. He would further submit that since the said report is already on record, it will only be a useless formality to examine them as witnesses to the case. Therefore, he prays this Court to dismiss the said application.

6. I have considered the submissions made by the learned counsel appearing on either sides.

7. From the records, it is seen that the respondents herein have raised objections to the report submitted by the learned Advocate Commissioner along with the technical expert's opinion as directed earlier by this Court.

8. In such view of the matter, it would be only beneficial for both the applicant and the respondents, if the learned Advocate Commissioner and the Expert witness are examined in the suit.

9. For the aforesaid reasons, the application in A.No.1367 of 2025 in C.S.No.636 of 2019 stands allowed. However, there shall be no order as to costs.



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10. The Registry is directed to issue Subpoenas to the said witnesses, who shall appear before the learned Additional Master - IV on 10.06.2025 for recording their evidence.

17-04-2025

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To

1. The Board of Trustees and another
Chennai Port Authority, Rep.by its Chief Mechanical
Engineer, Rajaji Salai, Chennai 600 001.

2. M/s.MSTC Limited
No.5, ISPAT Bhavan, 3rd Floor, Nungambakkam, Chennai 600 034.