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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02-07-2025

CORAM

THE HONOURABLE MR JUSTICE C.V. KARTHIKEYAN

A No. 4636 of 2024

in

C.S.No.28 of 2017

Mohan Breweries and Distilleries Limited
Rep.by its, Senior Deputy General Manager-Accounts
G.Samuthiram,
No.7, Selva Street, Madurai Meenakshi Nagar,
Valasaravakkam,
Chennai-600 087

Applicant/Plaintiff

Vs

M/s. Empee Distilleries Ltd
Rep. by its Managing Director,
Having registered office at,
No.72, Greams Road, Thousand Lights,
Chennai 600 006.
(Substituted as per order dated
24.08.2023 in A.No.4310 of 2023

Respondent/Defendant

**PRAYER**

This application filed to eschew the evidence of PW-1 namely, G.Samuthiram and permit to examine S.Rajesh as PW-1 and to mark suit documents in C.S.No.28 of 2017.

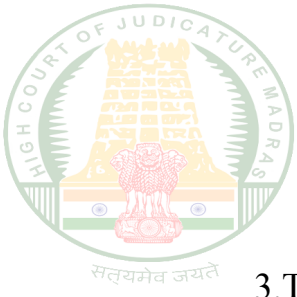
For Applicant: Mr.G.Krishnakumar

For Respondent: Mr.Avinash Krishnan Ravi

ORDER

This Application has been filed to eschew the evidence of PW-1 and permitting another witness to be examined as further witness on the side of the plaintiff.

2.In the affidavit filed in support of the Judges Summons, it had been contended that PW-1 G.Samuthiram, then Senior Deputy General Manager had been examined and he also marked Ex.P1 to P9 on 04.10.2018. The matter was then posted for cross examination of PW-1. However, he was not cross examined. The matter then got delayed owing to various reasons. The trial once again recommenced. PW-1 had left the office and therefore, permission is sought to eschew his evidence and to permit another witness to be examined as PW-1.



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3. The problem with that would be, if the evidence is to be eschewed, not only the oral evidence would be eschewed but also the documents which had been marked would also be eschewed. That would not be appropriate. Therefore, let further witness on behalf of the plaintiff be examined. He could be termed as PW-2. He can file his proof affidavit in the same terms filed by PW-1 and he can additionally affirm the documents already marked as Exs.P1 to P9 and that he has knowledge about the same.

4. With the above observations, this Application stands disposed of.

02-07-2025

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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



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C.V.KARTHIKEYAN J.

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