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**A.No.6768 of 2024
in C.S.No.234 of 2013**

A.A.NAKKIRAN, J.

This application has been filed to pass an order by permitting the second plaintiff to present evidence in the above suit.

2. Heard both sides.

3. The learned counsel for the applicants submitted that due to personal reasons, the second plaintiff resigned his job in M/s.Aanchal Cement Limited on 30.03.2021 as he was not in a position to provide evidence before this court earlier. His evidence is crucial to the matter, as without it, the purpose of the suit will not be achieved and key facts pertinent to the case may be overlooked. However, he now sought to present his evidence as all the transactions mentioned in the suit occurred during his tenure. Hence, he prays to allow this application.

4. Learned counsel for the respondents stated that when PW1 was questioned in Q.No.124 as to whether he is deposing only on behalf of the first plaintiff or also on behalf of the second plaintiff, he answered that he is deposing for both. So, examination of this witness is not necessary. Hence, he strongly opposed to allow this application.



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A.A.NAKKIRAN.,J.

gv

5. In this case, he is the second plaintiff. In order to arrive at a just conclusion, his examination is essential. Under these circumstances, this court is inclined to allow this application.

6. Accordingly, this application is allowed.

7. Registry is directed to list the matter before the learned Additional Master for recording evidence on 12.02.2025.

8. The learned Additional Master is directed to complete the entire process within a period of two months from the date of receipt of a copy of this order and return back the bundles to this Court after completion of recording evidence along with a report.

gv

29.01.2025

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