



WEB COPY



A.No.6000 of 2024

Application No.6000 of 2024
in
C.S.(Comm.Div.) No.50 of 2021

ABDUL QUDDHOSE, J.

1.P.Sivasubramanian @ Sivasubramaniam

2.Siva Media @ Shiva Media,
Salem District.

.. Applicants/Defendants

Vs.

Nakkheeran Gopal @ Mr.R.R.Gopal,

.. Respondent/Plaintiff

This application has been filed by the defendants seeking to eschew Exs.P.37 to P40 from the evidence, on the ground that the defendants did not admit the contents of Exs.P.37 to P40, but, had only admitted the signature found therein. The defendants have also taken a plea that in the affidavit of admission/denial of documents, since Exs.P37 to P40 did not find a place, the question of marking those documents as exhibits does not arise.

2. As seen from the cross-examination of the defendants, the said cross-examination is yet to be completed. At a premature stage, the defendants have filed this application. Only after the cross-examination is completed by the plaintiff's counsel, the relief that has been sought for



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in this application if at all is maintainable can be entertained by this Court. Therefore, the learned counsel for the applicants/defendants seeks permission of this Court to withdraw this application and seeks liberty of this Court to file a fresh application if the need arises, once the cross-examination of the defendants' witnesses is completed by the plaintiff's counsel. He has also made an endorsement to that effect in the Court bundle. No prejudice would be caused to any of the parties, if such a liberty as sought for by the learned counsel for the applicants/defendants is granted.

3. Accordingly, this application is dismissed as withdrawn. However, liberty is granted to the applicants/defendants to file a similar application if the need arises, once the cross-examination of the defendants' witnesses is completed by the plaintiff's counsel.

Both the counsels are directed to file a joint draft revised Case Management Schedule for this Court's consideration on the next hearing date. Post the matter on 12.02.2025.

22.01.2025

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