



C.S.No.140 of 2019
(Commercial Suit)

N.ANAND VENKATESH,J.

WEB COPY

Pursuant to the orders passed by this Court on 16.11.2021, the affidavit of evidence of PW-2 to PW-4 has been filed before this Court. The reasons for examining these witnesses has also been specifically stated in the affidavit of evidence. Insofar as PW-5, who is an expert, the learned counsel seeks for some time to file the report and for fixing date for examination of PW-5.

2.The learned counsel appearing on behalf of the defendants submitted that totally 11 claims are involved in the suit and out of it, 9 claims are barred by limitation. The learned counsel submitted that such a stand has been taken in the written statement. This Court has already framed issues on 26.09.2019. One of the issue that was framed by this Court in the suit is as to whether the claim in the suit is barred by limitation. The question of limitation is always a mixed question of fact and law. In many cases, the issue of limitation can be decided only based on the facts which may require recording of evidence. If the defendants are very sure that 9 of the claims are barred by limitation and the same is



N.ANAND VENKATESH,J.

KP

WEB COPY

evident on the face of the records and the pleadings, the defendants can only seek for a summary judgment on those claims. That issue cannot be gone into unilaterally by this Court based on the submissions made by the learned counsel across the bar. Therefore, it is left open to the defendants to take a call on this.

3.Post this case on 01.12.2021 for continuation of the Cross Examination of PW-1 and the witness shall be present in the Court at 3.30 pm.

19.11.2021

KP

Internet: Yes

C.S.No.140 of 2019
(Commercial Suit)