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ITEM NO.44

COURT NO.3

SECTION XII

S U P R E M E C O U R T O F I N D I A

RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (C).....CC No(s).
9501/2016

(Arising out of impugned final judgment and order dated 05/11/2015
in CRPPD No.3162/2014 passed by the High Court of Madras)

S. SUGANYA AND ORS.

Petitioner(s)

VERSUS

K. SIVAKUMAR

Respondent(s)

(With appln.(s) for c/delay in filing SLP and c/delay in refiling
SLP and office report)

Date : 29/06/2016 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE JAGDISH SINGH KHEHAR

HON'BLE DR. JUSTICE D.Y.CHANDRACHUD

For Petitioner(s) Mr.R.Balasubramanian, Sr.Adv.

Mr.B.Karunakaran, Adv.

Mr. S. Gowthaman, Adv.

For Respondent(s)

Upon hearing the counsel the Court made the following

O R D E R

Learned counsel for the petitioners has placed reliance
on sub-Section (2) of Section 12 of the Tamil Nadu Court Fees and
Suit Evaluation Act, 1965. Based thereon, it is the contention of
the learned counsel for the petitioners, that the issue of Court
fee could not be determined after the commencement of the recording
of evidence. Insofar as the question of recording evidence is
concerned, learned counsel for the petitioners has invited our
attention to the affidavit filed by the second plaintiff (PW-1) on

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behalf of the plaintiff's side dated 09.11.2009 (Annexure P-2) so
as to contend that the evidence was commenced on 09.11.2009.

Delay condoned.

Issue notice.

(SATISH KUMAR YADAV)

AR-CUM-PS

(RENUKA SADANA)

COURT MASTER