

**IN THE COURT OF APPEALS OF TENNESSEE
AT NASHVILLE**

<p>FILED</p> <p>October 9, 1998</p> <p>Cecil W. Crowson Appellate Court Clerk</p>
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MATHIVATHANI MOHAN,)
)
Plaintiff/Appellee,)
)
VS.)
)
RATHNASABAPATHY MOHAN,)
)
Defendant/Appellant.)

Appeal No.
01-A-01-9708-CV-00415

Davidson Circuit
No. 96D-373

DISSENTING OPINION

I respectfully dissent from the majority opinion because I do not think the trial judge abused her discretion in denying the appellant's motion for a new trial. The appellant's motion does not set out what proof he would offer at a new trial and how that might change the result below. Therefore, I think the trial judge justifiably overruled the motion.

BEN H. CANTRELL, JUDGE