

15.04.2023

Pr: Sh. Ram Krishan, counsel for the plaintiff with Sh. Raj Kumar husband
of plaintiff No.1.

Sh. M.K. Sharma, counsel for all defendants.

No PW present.

Fresh *vakalatnama* on behalf of both the plaintiffs is filed, same is taken
on record.

Ld. Counsel for the plaintiff submits that due to illness plaintiff/PW Ms.
Kamlesh is not able to attend the court today, hence adjournment is sought.

Ld. Counsel for defendant has vehemently opposed the adjournment and
it is submitted that PW Ms. Kamlesh tendered her evidence by way of affidavit
firstly on 23.01.2021, thereafter she appeared before the court on 11.05.2022
and she was partly cross-examined and since then she is not appearing before
this court for her further cross-examination. It is also submitted that last and
final opportunity has been granted twice to the witness but witness, despite
opportunity, did not present herself for her cross-examination. It is also
submitted that on LDOH, though the witness was present but a new counsel
was engaged by her who sought adjournment on the ground that he had been
recently engaged. It is also submitted that even, today plaintiff/witness has
engaged a new counsel but witness is not present for her cross-examination.

Heard. Perused and considered. Despite numerous opportunities witness
is not appearing for her cross-examination.

However, in the interest of justice and for the just decision of the case, one last and final opportunity is granted to the plaintiffs to complete their PE on NDOH.

Seeing the conducts of the plaintiffs, a cost of Rs.5000/- is also imposed upon the plaintiff, which is to be paid to the defendant.

Put up for PE on 17.07.2023.

Rajesh Kumar
ADJ-03(East)
KKD Courts-15.04.2023