

07.08.2024.

Present : Sh. D.D. Sharma, Ld. Counsel for the plaintiff along with plaintiff.
Sh. Trilok Chand, Ld. Counsel for the defendant.

**Order on application u/o 16(1) (3) r/w section 151 of CPC to
summon witness:-**

Plaintiff filed an application u/o 16(1) (3) r/w section 151 of CPC to summon the draftsman Sh. Laxman to prove the site plan.

Ld. Counsel for the plaintiff argued on the lines of his application. He submits that he has already filed site plan in this case but inadvertently he has not mentioned the name of draftsman, who prepared the site plan, in the list of witnesses.

Ld. Counsel for the defendant opposed the application of plaintiff. He submits that it was in the knowledge of plaintiff that he has to prove his site plan but deliberately plaintiff has not mentioned the name of draftsman in the list of witnesses. He further submits that plaintiff filed the present application to delay of proceeding of this case.

Site plan is already on record. The suit is at stage of plaintiff's evidence. It is necessary for the plaintiff to prove the site plan through draftsman to prove his case.

In the interest of justice, the application of the plaintiff is hereby allowed.

Application stands disposed off.

Let summons be issued to draftsman Sh. Laxman on filing of PF.

Put up for PE on **26.10.2024.**

(Vikas Garg)
DJ-05/East/KKD
Delhi/07.08.2024