

22.9.2017

Present:- Plaintiff with Shri SK Verma – Advocate

Defendant No. 1 with Shri Vivek Malhotra – Proxy Counsel

Reply to the application of the defendant No. 1 and 2 for review of order dt. 07.7.2017 filed. Copy supplied. Arguments heard.

Another application has been moved on behalf of the defendants under Section 151 CPC seeking adjournment. Arguments heard.

It has been observed in the order dt. 07.7.2017 that the examination-in-chief of the plaintiff/PW1, who is a lady aged about 72 years, was recorded on 22.11.2013 and since then repeated adjournments have been taken by the defendants to cross-examine her. Accordingly, since the Ld. Counsel for the defendant was reported to be unwell on that date, a last opportunity was granted to cross-examine PW1 subject to cost of Rs.20,000/-. However, today again neither the cost has been paid nor the plaintiff/PW1 is cross-examined and again adjournment has been sought.

The only ground raised in the application for review as well as in the application filed today seeking adjournment has been that the Ld. Counsel for the defendant is keeping ill-health since long and copies of his medical documents have been placed on record. A copy of the diary of Ld. Counsel for the defendants has also been filed to show that he is not appearing in any case. It is also submitted that Ld. Counsel is indisposed since July 2017. However, there is no explanation for the adjournments which have been taken for the last four years and for that an old lady, who has been regularly appearing, has been made to suffer. The cost imposed on the last date could have been reduced or even waived of if the witness was cross-examined today but it has not been done.

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It has been directed by the Hon'ble High Court vide a circular No. 3174/DHC/Gaz./G-7/Misc. 2017 dt. 03.7.2017, issued to the District Courts that in any case not more than three adjournments should be granted to any party, whereas in the present case the defendants have taken more than three adjournments. Hence, this Court has no other option but to dismiss the application for review as well as for adjournment. The applications are consequently dismissed and disposed of.

In view thereof, the opportunity cross-examine PW1 is hereby closed.

Put up for further PE on **08.12.2017**. Steps be taken to summon the witnesses.

(Sanjay Sharma-I)
Addl. District Judge-02(East)
Karkardooma Courts- 22.9.2017