

Case No. 1544/16

17.02.2017

Present: Sh. Yogesh Rathee, Ld. Counsel for plaintiff along with plaintiff in person.

Sh. M. S. Bana and Sh. S. S. Nimesh, Ld. Counsels for the defendant along with defendant.

Sh. Ankur Mutreja, Ld. Counsel for the applicant.

Arguments have been addressed on the application under section 151 CPC moved on behalf of previous counsel for the defendant.

Through the application under section 151 CPC, it is stated by Sh. Ankur Mutreja that he appeared in the matter on behalf of the defendant on 03.05.2016 on which date, the presence of counsel for the defendant was wrongly recorded as that of Sh. Prem Prakash, Adv, who had appeared for the defendant in the past. In the meanwhile, he was informed by the defendant that he would be showing the case file to another advocate. It is further submitted that as he has lost all the communication with the defendant as he is not aware about his new residential address.

The counsel has enquired from the defendant to which the defendant submits that Sh. Ankur Mutreja never appeared for him and he has not engaged him in the matter. It is further submitted by the defendant that he has already sent an e-mail to Sh. Ankur Mutreja asking him not to appear in the matter on his behalf. Therefore there is no question of appearance of Sh. Ankur Mutreja on his behalf before the Court.

The record reveals that Sh. Ankur Mutreja never appeared before this Court except on 04.07.2016 when he moved the present application.

Under these facts and circumstances, I do not find any

authenticity in the present application. Further, if Sh. Ankur Mutreja had any grievance, he should have filed the application on the very next day or within reasonable time. The present application has been moved only on 02.07.2016. The application is found baseless and is accordingly dismissed.

Ld. Counsel for the plaintiff Sh. Yogesh Rathee has filed his vakalatnama for the plaintiff. Additional affidavit of plaintiff No. 1 Sh. Dharam Singh has been filed along with an application for placing additional documents.

Statement of PW-1 Sh. Dharam Singh has been recorded. Cross-examination of PW-1 is deferred at the request of counsels for the defendant on the ground that they have been supplied with the copy of the affidavit today only. Documents have already been supplied to Ld. Counsel for the defendant.

Put up for cross-examination of PW-1 on 09.05.2017.

(NISHA SAXENA)
Additional District Judge-03
East District/KKD Courts/Delhi
17.02.2017

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