

CS. No. 2109/2016

Ritu Kumar Vs M/s A. R. Chadha Co. India P. Ltd

23.05.2018

Present: Ms Leena Tuteja, Ld Counsel for plaintiff.

Sh Amit Sethi, Ld Counsel for defendant.

Sh U. S. Chaudhary, Designation-Senior Assistant, Record Room (Sessions) is present and has brought the record of suit no. 215/06/94.

Vide order dated 16/10/2008, the Hon'ble Delhi High Court has set aside the order u/o 7 Rule 11 CPC whereby the plaint was rejected by the Ld Predecessor and suit bearing no. 215/06/94 was restored for adjudication. In view of aforesaid order, the record of civil suit no. 215/06/94 needs to be clubbed along with the instant suit/counter-claim for adjudication. Accordingly, the record of civil suit no. 215/06/94 which has been summoned from the Record Room be clubbed with the instant suit.

Perusal of record reveals that the examination-in-chief of PW-1 was concluded in CS No. 215/06/94 on 04/07/2005 and the matter was deferred for her cross examination. Ld Counsel for plaintiff has contented that the affidavit dated 25/07/2016 be not read in evidence and the same be treated as withdrawn as examination-in-chief of PW-1 has already been recorded on 04/07/2005. In view of submission made, the affidavit dated 25/07/2016 will not henceforth be read in evidence of PW-1.

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Ld Counsel for plaintiff has orally requested that she be permitted to further examine-in-chief PW-1 as plaintiff wishes to rely upon certain other documents. Ld Counsel for defendant has stated at bar that he has no objection if the permission is granted for further examination in chief of PW-1. In view of the submission made, PW-1 is hereby recalled for examination in chief. PW-1 examined in chief. Cross is deferred as the file needs to be maintained by the Ahlmad and Ld Counsel for defendant has a matter listed in Tis Hazari Courts at 02:00 pm and it is already 12:30 pm.

Both the parties have stated that consolidated evidence will be led in the main suit as well as in the counter claim.

Re-list the matter for cross examination of PW-1 on 25/05/2018.

(Shuchi Laler)  
ADJ(East District) KKD  
Delhi/23.05.2018