

CS No. 265/18

Dr. Mrs. Pratibha Arya Vs. Mr.s Rupinder Kumari and ors

16.11.2022

Present: Ld. Counsel Sh. Parikshit Singh for the plaintiff.

Ld. Counsel Ms. Sonali Chopra for defendant no. 1.

File taken up on an application filed by the plaintiff under Order 7 Rule 14 CPC r/w section 151 CPC seeking to bring on record the General Power of Attorney dated 21.12.2019, though in the index date is mentioned as 21.12.2022 and certificate u/s 65B of Indian Evidence Act in respect of certain emails which are already on record.

Ld. Counsel for defendant no. 1 states that she does not want to file reply to the said application but has strongly opposed the application submitting that the same has been moved at a highly belated stage and only after she took objection during the examination in chief of PW1 regarding tendering of documents.

Heard the parties. As per the submissions made by the parties examination in chief of PW1 is underway, before Ld. Local Commissioner, and witness/PW1 has traveled all the way from UK. Though no plausible explanation has come forward for moving the application highly belatedly and for not placing the documents on record earlier, especially the power of attorney which is of December 2019, nonetheless to give the plaintiff an opportunity to bring the best evidence in support of her case and for proper adjudication of dispute at hand, the application stands allowed. This is more so when defendant shall have

enough opportunity during the cross-examination to rebut the plaintiff's case based upon those documents. Nonetheless considering the huge delay and the repeated urgency shown by the plaintiff who wakes up only at the last hour, which has not only disturbed the board of this court but also wasted the time of Ld. Counsel for the defendant and the Ld. Local Commissioner, plaintiff is burdened with a cost of Rs. 25,000/-, to be paid to defendant no. 1. Plaintiff shall also pay additional cost of Rs. 5000/- to the Ld. Local Commissioner. Plaintiff is directed to inform the remaining defendants, if already not informed, about the commencement of evidence before Ld. Local Commissioner today itself during the course of day and file an affidavit in this regard. Application is accordingly disposed of.

Relist the matter on date fixed.

(Gaurav Rao)
Additional District Judge-03
Patiala House Courts, New Delhi
16.11.2022