

90 MACT 312/23
PARDEEP YADAV Vs. VIKAT

07.05.2025

ORDER

An application under Order 18 Rule 17 r/w Section 151 CPC is moved on behalf of petitioner Pradeep Yadav.

I have already heard submissions made. Record is perused.

1. It is submitted that PE was closed as petitioner was absent and medical document of his daughter was not available/filed on that day and the same is now attached with the application.

2. In reply to the application, it is stated by Ld. Counsel for respondents that the application is not maintainable because the petitioner has not approached to this present Tribunal with clean hands and suppressed the material facts. It is further stated that the medical document of daughter of the petitioner only suggest suffering from fever and vomiting and no medical documents of petitioner are annexed with the application and no genuine document is filed by petitioner.

3. Matter was at first fixed for evidence vide order dt. 20.11.2023 and as there is no insurance company involved in the matter, both parties were to bear their own cost towards recording of evidence through LC. However, it was informed only on the next date of hearing that they were unable to bear the cost of LC and hence, matter was posted for PE before the Court on 02.05.2024. On

the said date, neither petitioner appeared for his testimony nor his evidence by way of affidavit was filed nor advance copy was supplied to the opposite side. Though it was claimed that daughter of the petitioner was sick, no medical document was furnished on that day and further no explanation was given why list of witness and advance copy of evidence by way of affidavit could not be supplied to the other side. However, in the interest of justice and for fair enquiry, one more opportunity is given to the petitioner to lead evidence subject to cost of Rs. 1000/- to be deposited in DLSA and providing of advance copy of evidence by way of affidavit of PWs and list of witnesses to the opposite side.

4. Put up for PE on **09.09.2025**.

(Mayuri Singh)
P.O. MACT (East)/Delhi
07.05.2025