

CS 713/17
PRAMILA MEHTO Vs. MAHESH KUMAR ETC.

09.01.2024

Present : Mr. S.S. Singh, Ld. Counsel for the plaintiff.
Mr. Vikas Kumar, Proxy counsel for the defendants.

The matter is fixed for final arguments.

At this stage, an application U/s 151 CPC is taken up filed on behalf of the defendants for recalling of the order dated 31.05.2023 vide which their right to lead DE was closed.

Arguments on the application heard.

Ld. Counsel for the defendant submits that defendants could not lead the DE due to negligence on the part of the earlier counsel, however, their evidence by way of affidavit was ready in January, 2023 itself.

Ld. Counsel for plaintiff strongly opposed the said application on the ground that neither the advance copy of affidavit of evidence has been supplied to the plaintiff nor the same has been supplied till date.

However, in the interest of justice and to decide the lis on merits, the application in hand is disposed of as allowed subject to cost of Rs.5,000/- to be deposited in DLSA, East, KKD on or before next date of hearing.

Put up for filing of receipt of cost/ DE on **16.04.2024**.

Let advance copy of affidavit of evidence of defendant's witnesses be supplied to opposite party at least 15 days prior to NDOH.

(Ajay Garg)
Additional District Judge-01
(East)/KKD/Delhi/09.01.2024