

17.10.2016

Present: Ld counsel for plaintiff along with plaintiff in person
Ms Aruhi, Proxy counsel for defendant no 1, 4 and 5
Defendant no 2 and 3 in person
DW 4 not present

Again court notice to the defendant no 5 received back unserved with the report of “premises found locked”. Ahlmad failed to comply the last order in respect to the calling of Incharge Nazarat Branch.

From the file it reveals that on 26.09.2016, an application U/s 73 Indian Evidence Act filed. Same is taken on record.

Heard. File perused.

Since several times Court notice to defendant no 2,3 and 5 has already been issued since the date when this case transferred to this Court and Defendant no 1 and 4 had been appearing, it would not be appropriate in the interest of justice to issue fresh court notice to defendant no 5 specially when proxy counsel stated above also appeared for defendant no 5 and keeping in view the fact that the present case pertains to the year 2008.

Let copy of this application be supplied to the defendants today itself, thereafter, reply to the application, if any, be filed on or before NDOH with advance copy to the plaintiff.

Put up the file on **01.12.2016** for arguments on application as well as last and final opportunity for RDE and to the defendant no 4 to produce himself for cross examination on NDOH .

(Rakesh Kumar-IV)
ADJ-06, West District
THC/17.10.2016