

CS (COMM.) 536/21

**M/S Kohli One Housing And Development Pvt Ltd Vs.M/S
Saluja Construction Company Ltd**

24.08.2023

**Present : Sh.Divyansh Singh, Ld. Counsel for the plaintiff.
Sh.Abhishek Mahajan, Ld. Counsel for the
defendant.**

Today the matter is listed for DE. Ld. Counsel for the defendant submits that he is suffering from severe Kidney Stone problem and therefore, is not in a position to conduct DE. Copy of Affidavit of defendant's witnesses have also not been supplied by the counsel for the defendant to the plaintiff. The same is clear violation of the Order dated 10.04.2023. None appeared for the defendant yesterday, when the matter was listed for DE.

Considering the facts and circumstances and keeping in mind the submissions of ld. Counsel that he is seeking adjournment on his personal ground of kidney stone problem, last opportunity is granted to the defendant to conclude its DE subject to Cost of Rs.25,000/- to be paid by the defendant to the plaintiff. It is made clear that no further opportunity shall be afforded to defendant to lead its DE.

Affidavit of witnesses be supplied to the counsel for the plaintiff at least one week in advance.

Put up this matter for DE on **02.11.2023**.

**Anurag Sain
District Judge (Commercial Court)-01
Patiala House Court, New Delhi.
24.08.2023**