

CS (Comm) No. 536/21

**Kohli One Housing & Development Pvt. Ltd. Vs. Saluja
Construction Company Ltd.**

02.11.2023

Present : Sh. Divyash and Sh. Devrutt, Counsel for plaintiff.
Ms. Sonam, Proxy counsel for defendant.

Today the matter is listed for DE.

Neither the main counsel of defendant is present nor
the witness.

Proxy counsel for defendant filed a photocopy of
medical record of defendant and submits that yesterday
defendant slipped accidentally so that he has been advised to
undergo low back surgery. Be that as it may the matter was lastly
listed for DE on 23.08.2023 and the DE is not conducted from
23.08.2023 to till date. On 24.08.2023, cost was also imposed
upon defendant to lead DE and it is also mentioned on
24.08.2023 that no further opportunity shall be granted to
defendant to lead DE. Evidence affidavit of defendant is filed on
behalf of defendant. However, the cost paid today.

Considering the facts and circumstances and in the
interest of justice, defendant is given last and final opportunity to
lead DE for **18.01.2024**. It is further clear that no further
opportunity shall be granted to defendant on NDOH.

Anurag Sain
District Judge (Commercial Court)-01
Patiala House Court, New Delhi.
02.11.2023