

CS No. 147/16
Aslam Quadri Vs. Riyazat Ali

23.11.2023

Present : Sh. R.Khan, Ld. Counsel for plaintiff.
Sh. G.H.Mirza, Ld. Counsel for defendant no. 1.
Sh. Ravi Dev Sharma, Ld. Counsel for defendant no. 2.
(appearing through VC)

Ld. Counsel for defendant no. 2 has appeared through Video conferencing at about 10:20 AM and requests to give some time for physically appearing before the court. Though, at the same time, despite asking Ld. Counsel fails to tell the exact time when he will physically appear before the court. Same is strongly opposed to by the Ld. Counsel for plaintiff/witness as well as Ld. Counsel for defendant no. 1. It is stated by both the counsels that without mentioning the exact time it is not possible for them to wait uncertainly for the appearance of the counsel of defendant no. 2. Still as requested by Ld. Counsel for defendant no. 2 matter was adjourned for second call or earlier as and when the counsel appears. At this stage, witness submits that he is an old man he can't wait for indefinite period and exact time must be told to him. He was also asked to wait for second call.

At this stage i.e. at 11:25 AM despite repeated calls neither the defendant no. 2 is present before the court nor his counsel is present. Ld. Counsel for plaintiff as well as Ld. Counsel for defendant no. 1 submits that they have to rush to other court rooms/court also for completing/appearing in their other cases. Witness also submits that he is an old man and now when neither the defendant no. 2 is present nor his counsel is present why he is

being asked to wait further. Ld. Counsel for plaintiff submits that even on the earlier occasion the attitude of defendant no. 2 is like this only. It is submitted that already sufficient opportunities have been given to defendant no. 2 to cross-examine the witness but of no avail. The one opportunity which was granted on the earlier occasion has already been lapsed. Therefore, it is requested the the right of the defendant no. 2 be now closed. Keeping in view of the submission and after perusing the case file properly as already sufficient opportunities have been given to the defendant no. 2 to cross-examine the witness his right accordingly closed.

Put up for completion of plaintiff evidence on **20.03.2024**.

(Manu Vedwan)
ADJ-02/North-East, KKD Courts,
Delhi/23.11.2023

At this stage, Sh. Ravi Dev Sharma, Ld. Counsel for defendant no. 2 has appeared and submits that he is ready to cross-examine the witness. He has been apprised about today's proceedings and that he is at liberty to move the appropriate application for consideration before the court.

Put up on date fixed i.e. **20.03.2024**.

(Manu Vedwan)
ADJ-02/North-East, KKD Courts,
Delhi/23.11.2023