

PC No.: 126/16

09.01.2017

Present:- Sh. Jay Kant Prasad and Sh. I.R. Shakya, Id. Counsels for the petitioner along with petitioner in person.
Sh. Virender Singh, Id. Counsel for respondent no.2 along with respondent no.2 in person.
Sh. Tarun Kumar Pandey, Id. Counsel for respondent no.3 from DLSA along with respondent no.3 in person.

Today the matter is listed for RE. Id. Counsel for respondent no.3 submits that he has been engaged from DLSA and he has applied for certified copy of the relevant documents on 21.12.2016 and thus, could not prepare the evidence. The same is opposed by the Id. Counsel for the petitioner.

Perusal of the record shows that issues in the present matter were framed on 29.10.2011 and till date the respondents have not concluded their evidence. Seeing the conduct of respondents no.2 and 3, the court has also imposed cost upon them vide order dated 11.07.2016 and 15.11.2016 however, till date, respondent no.3 has not filed his evidence. Perusal of the record further shows that Sh. Tarun Kumar Pandey, Id. Counsel for respondent no.3 has appeared before the court for the first time on 03.10.2016 and he has got ample time to apply for certified copy of the documents, if any but respondent no.3 has applied for the same on 21.12.2016. Considering the circumstances of the matter and the conduct of respondent no.3, the court is not inclined to give any further opportunity to respondent no.3 to lead evidence. Accordingly, **the right of respondent no.3 to**

lead evidence is closed.

As regard respondent no.2, ld. Counsel for respondent no.2 submits that they have already filed affidavit in evidence before the court on 26.08.2016 and there is no delay on his part. He further submits that witness is present for the purpose of cross examination and in these circumstances, he prays that the cost imposed upon respondent no.2 on 15.11.2016 be waived off.

Considering the submissions of the ld. Counsel for respondent no.2, the cost imposed by the court on 15.11.2016 is waived off.

As regards the cost of Rs.2,500/- imposed upon respondent no.2 vide order dated 11.07.2016, respondent no.2 paid the same to the petitioner. Cost paid.

R2W1 examined and partly cross examined. Her further cross examination is deferred on the request of the ld. Counsel for the petitioner as the witness has to produce certain documents.

Put up this matter for further cross examination of R2W1 and for remaining RE on 18.02.2017.

(Anurag Sain)
ADJ-2, East, Karkardooma Court,
Delhi/09.01.2017