

CS DJ 119/20

RANDHIR KR SALHAN Vs. SUSHMA KHATRI AND ORS

31.10.2022

Present: Sh. Vikas, Ld. counsel for the plaintiff with PW-1.
Ms. Surbhi Chopra, Ld. Counsel for defendant No.1 who states she was not well and that is why, she could not file the Written Statement in the present matter.
Sh. Anand Mayank, Ld. Proxy counsel for the defendants No.2 & 3.
Ld. Counsel for the defendant No.1 orally states that she was admitted in hospital on account of Dengue fever and that is why, she could not appear on 23.08.2022 before the court.

Perusal of the last ordersheet dated 23.08.2022 reveals that the defence of the defendant No.1 has already been struck off by Ld. Predecessor of this Court. Ld. Counsel for the defendant No.1 states that the matter may be passed over for a short time and she would file an application for setting aside the orders dated 23.08.2022.

Ld. Counsel for the plaintiff also states that he would file on record the evidence by way of affidavit of PW-1 today itself. Let the same be filed with advance copy thereof to the opposite party.

Let this matter be taken up at 12 p.m.

(Raj Kumar)
ADJ-02/ North/ Rohini Court
Delhi/31.10.2022

At 12.15 p.m.

Present: Sh. Vikas, Ld. counsel for the plaintiff with PW-1.
Ms. Surbhi Chopra, Ld. Counsel for defendant No.1.
Sh. Fanish Jain, Ld. Counsel for the defendants 2 & 3.

At this stage, ld. Counsel for the defendant no.1 has filed on record an application u/S 151 CPC for recalling of the orders dated 23.08.2022 whereby, the defence of the defendant No.1 was struck off. Copy thereof supplied to the ld. Counsel for the defendants No.2 & 3.

The said application shall be taken up for disposal on the next

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date.

Ld. Counsel for the plaintiff has also placed on record the list of witnesses as on date. Ld. Counsel for the defendants No.2 & 3 states that the same may be taken on record and he would also file on record his own list of witnesses on behalf of the defendants No.2 & 3. Ld. Counsel for the plaintiff states that he has no objection if the same is taken on record.

Ld. counsel for the defendant No.1 has pointed out that legible copy of the plaint and that of the documents has not been supplied to her till date. Ld. Counsel for the plaintiff objects to the above said submission of the ld. Counsel for the defendant no. 1. However, ld. Counsel for defendant no. 2 and 3 also states that he was also not supplied with the legible copies of the documents but somehow he has filed written statement on behalf of defendant no. 2 and 3.

Keeping in view the submissions of ld. Counsel for the defendant no. 1 and the submissions of the ld. Counsel for the defendants No. 2 & 3, the plaintiff is directed to supply legible copy of plaint and documents to the ld. Counsel for defendant no.1 and to the ld. Counsel for defendant no. 2 and 3 without any prejudice to the rights and contentions of the parties.

PW1 has been examined and partly cross examined.

At the request of the ld. Counsel for the defendants No. 2 & 3, now, to come up for further cross examination of PW1 on **21.12.2022**.

(Raj Kumar)
ADJ-02/ North/ Rohini Court
Delhi/31.10.2022