

13 CS 111/18
SAMTA AUSTIN Vs. VISHWAKANT SINGH

07.10.2023

File received by way of transfer to this Court vide office order No.7089-94/Judl./Shd./KKD/2023 dated 01.09.2023 passed by the Ld. Principal District & Sessions Judge, Shahdara, District, Karkardooma Courts, Delhi.

It be checked and registered.

Present: Sh. Mohit Bansal, Ld. Counsel for the plaintiff.
Ms. Shabnam, Ld. Counsel appearing for the defendant no.1 and 2. (however D-1 and D-2 were exparte vide order dated 02.05.2022 and 10.12.2021 respectively).

Ld. Counsel for the defendant no.1 is also appearing on behalf of defendant no.2. Ld. Counsel for the defendant undertakes to file her vakalatnama in respect of D-2 on or before the NDOH.

Matter is listed for arguments on the application filed by the defendants for setting aside the ex parte order dated 02.05.2022.

Ld. Counsel for the plaintiff submits that he does not wish to file any reply of the said application. The Ld. Counsel for the plaintiff further submits that he has no objection if the said application is allowed subject to heavy cost.

On 02.05.2022 the matter was listed for plaintiff evidence and when none has appeared on behalf of the defendant no.1, defendant no.1 was proceeded exparte. In view of this court, if the matter was listed for plaintiff evidence and nobody appears on behalf of the defendant no.1 then in that circumstances, right to cross examination of defendant no.1 shall be closed and not defendant no.1 should be proceeded exparte.

In view of the above observations, considering the contents of the application and no objection given by Ld. Counsel for the plaintiff, application filed by the defendant is hereby allowed, subject to cost of

(2)

Rs.10,000/- which is to be paid to the plaintiff and the order dated 02.05.2022 is re-called.

Application is accordingly disposed off.

Now, the matter is listed for plaintiff evidence. Ld. Counsel for the plaintiff submits that evidence affidavit of PW-1 is already on record.

Copy of the said evidence affidavit has already been supplied which has been acknowledged by the Ld. Counsel for the defendants.

Put up for plaintiff's evidence on 30.11.2023.

(Deepanker Mohan)
Additional District Judge-04
Shahdara District/KKD Courts/Delhi
07.10.2023