

15.11.2022

Present : Sh. Durgesh Gupta, ld counsel for plaintiff.
Sh. Yogesh Aggarwal, ld counsel for defendant.

PW-1 Sh. Tarunesh Bansal is cross-examined and discharged.

It is stated by the counsel for the plaintiff that no other witness is to be examined for plaintiff evidence and by statement of proprietor of the plaintiff, PE stands closed.

Application for waiving of the cost is filed on behalf of defendant.

Submissions on the application are heard.

On the last date of hearing, matter was fixed for PE and plaintiff tendered his affidavit for his chief-examination and adjournment was sought on behalf of defendant on the ground that the counsel is busy in another matter. The court considering that right of cross examination is a valuable right of the party to put its case granted one opportunity to the defendant to cross examine the plaintiff and cost was imposed on account of adjournment upon the defendant. As per Order 17 Rule 1 (2) CPC the adjournment has to be on cost. Considering the totality of the circumstances I found no ground to waive the cost when opportunity was granted to the defendant for the cross examination of the plaintiff witness by adjourning the matter. The application is dismissed.

Put up for DE for **06.02.2023**. The chief examination of witnesses will be by way of affidavit and advance copy of same be supplied to opposite party/counsel at least 15 days prior to next date of hearing.

(SUNIL CHAUDHARY)
ADJ-04, North West,
Rohini Courts, Delhi
15.11.2022