

DEEPAK MANCHANDA Vs. A.P.SEHGAL AND ORS

07.02.2024

Present : Ms. Anjum Naz, ld counsel for plaintiff.
Sh. Pranav Kanti, ld counsel for defendant no. 1 to 3
with defendant no. 2.

One application moved on behalf of defendants under Order 18 Rule 17 CPC on 26.10.2023 is on file. Copy of the same is supplied to the counsel for the plaintiff who stated that she is not having objections if the court is inclined to give opportunity to defendants for cross examination of the plaintiff witness however the same must be on exemplary cost.

The matter was fixed on 18.07.2023 for the plaintiff evidence and on that day plaintiff was present but none appeared for the defendants to cross examine him as such by proceeding further under Order 17 CPC, the witness was discharged. The reason mentioned in the application for non appearance on 18.07.2023 is that Sh. S. C. Gulati ld counsel representing the defendants was supposed to appear before the court for cross examination but due to poor health condition he could not appear before the court and fail to cross examine the witness. It is submitted that the counsel informed the defendant no. 2 only on 17.10.2023 about his poor health and his inability to appear in the matter. There is no affidavit of Sh. S. C. Gulati in respect of the contention in the application nor any document about his health condition is filed with the application. No grounds are disclosed

under which the defendants could not appear on 18.07.2023 in the court. The grounds pleaded are only related to non appearance of the counsel. However a lenient view is taken considering that by way of cross examination the defendant may put their defence to the case of plaintiff especially where plaintiff may be compensated monetarily for the delay occurred in the trial of the suit, one opportunity is granted to the defendants to cross examine the PW-1 subject to payment of cost of Rs. 5000/- by each defendant to the plaintiff.

Put up on **01.05.2024** for payment of cost and cross examination of PW-1.

(SUNIL CHAUDHARY)
ADJ-04, North West,
Rohini Courts, Delhi
07.02.2024