

06.04.2022

Present : None for plaintiff.

Sh. Gaurav Garg Adv., Ld. Counsel for defendant.

Ms. Preeti, Adv. Ld. proxy counsel on behalf of Local Commissioner.

Ld. proxy counsel appearing on behalf of Local Commissioner submits that despite repeated reminders, the plaintiff did not come forward for recording of the plaintiff evidence.

Ld. Counsel for defendant submits that dates for 11th March, 14th March and 16th March, 2022 were fixed by the Ld. Local Commissioner but Ld. Counsel for plaintiff sought adjournment on the ground of non availability of the witness.

Matter is of the year 2007. On 23.12.2021 while appointing Ld. Local Commissioner, it was directed that Ld. Local Commissioner shall record the evidence of the witnesses on day to day basis and on the next date i.e. 22.02.2021 when it was submitted that evidence could not be started on account of sudden rise of covid cases, Ld. Local Commissioner was directed to complete the evidence by today.

Considering the fact that it was a very old case, under these circumstances, no case is made out to grant further opportunity to the plaintiff to lead P.E. Therefore, P.E. stands closed.

Ld. Counsel for defendant submits that he wants to lead D.E.

Since it is an oldest cases, therefore, it is directed that the evidence of the defendant witnesses shall be recorded before the Local Commissioner and the expenses in this regard shall be borne by the defendant.

Ld. Local Commissioner is directed to record the evidence of defendant witnesses within 3 weeks and shall ensure that the matter will be taken on day to day basis and on any given date, if the defendant witness or the plaintiff counsel are not available, the right of the parties to examine that witness/cross examine the witness, as the case may be, shall automatically stand closed. Ld. Local Commissioner is directed to complete the recording of defendant evidence by next date and file the report.

Put up for final arguments on **04.07.2022**.

Copy of order be given dasti.

(Munish Markan)

ADJ-02/(SE), District Courts, Saket,
New Delhi/06.04.2022