

11 CS DJ 439-18

M-S KHUSHI MOHD. CONTRACTOR Vs. M-S VYOM

17.05.2025

Present:- Sh. Idrish Ahmed, Ld. Counsel for plaintiff.
Sh. Abhinav Sekri and Ms. Shalanki Prasad, Ld.
Counsel for defendant.

1. Matter is listed for DE
2. Plaintiff had concluded the evidence on 02.04.2024. Opportunity to file DE was provided to the defendant vide order dated 02.04.2025. Affidavit in evidence of the defendants witnesses has been filed on 05.08.2024. Copy was also supplied to learned counsel for plaintiff. However, the signed and notarised copy was not placed on record.
3. Today, Ld. Counsel for defendant has filed evidence by way of affidavit of one Sh. Sachin Sachdeva who is the proprietor of defendant firm. It is submitted by Ld. Counsel for the defendant that the witness at serial No. 2 of list of witnesses will prove the documents which have been filed by the defendant, as he was the signatory of majority of the documents. However, all the documents are exhibited in the evidence of the defendant. No affidavit of the witness at serial No.2 has been filed detailing the exhibits in that affidavit.
4. Ld. Counsel for defendant has submitted that since the affidavit was earlier filed online, he has filed the same affidavit

so that no prejudice would be caused to other side. However, the affidavit is not in terms with the submissions of Ld. Counsel for defendant regarding the documents. In view of the same, one final opportunity granted to the defendant to file proper affidavit of both defendant as well as witness cited at serial No. 2 of the list of witnesses within a period of 3 weeks subject to cost Rs. 5,000-- with advance copy of opposite side.

5. List on **15.07.2025**.

5. It is made clear that the evidence of the witness shall be conducted on the NDOH and no further adjournment shall be granted.

(Rahul Bhatia)
DJ-1 (South-East), Saket Court
New Delhi-17.05.2025