

CS DJ No.10406/2016
Surender Vs. Ajaybir & Anr.

18.05.2024

Present: Proxy Counsel Ms. Ritu Singh for Sh. A.K. Singh,
Counsel for Plaintiff.
Defendant No.1 with Proxy Counsel Sh. Deepak Bidhuri
for Sh. A.K. Sen, Counsel for Defendant No.1.
Counsel Sh. Rajiv Bhardwaj for Defendant No.2.

Vakalatname of counsels for defendant no.1 and
defendant no.2 are not found on record. They are directed to file the
same on record within a week.

Cost of Rs.2,000/- is paid by Proxy Counsel for plaintiff
to defendant no.1. The Proxy Counsel for plaintiff has undertaken to
pay the balance cost of Rs.1,000/- to defendant no.1 on the next date
of hearing.

Adjournment is sought by Proxy Counsel for plaintiff by
stating that Plaintiff/PW-1 could not come today for his cross-
examination as he is suffering from severe back pain and has to go
for physiotherapy.

However, adjournment is strongly opposed by counsel
for defendant no.1 by stating that the cross-examination of PW-1 was

deferred on 23.09.2023 as he had sought time to produce the documents, but till date, neither the documents have been produced nor PW-1 has come for his cross-examination.

On the last date of hearing, last opportunity was given to plaintiff subject to cost. But despite that, neither the plaintiff has appeared nor filed the documents. Even no medical document of plaintiff has been filed on record, though the adjournment is sought on the ground that he is suffering from severe back pain. However, in the interest of justice, one last & final opportunity is given to plaintiff subject to cost of Rs.10,000/- to be paid to the defendants for leading evidence on 08.10.2024. At the request of Proxy Counsel for defendant no.1, the date is changed to **14.10.2024**. The earlier date given i.e. 08.10.2024 stands cancelled.

(Navita Kumari Bagha)
DJ-02 (South-East), Saket Court
New Delhi/18.05.2024 (Sushil)