

8 CS DJ 835-21

DIVYANSH INFRATECH PRIVATE LIMIEDT Vs. CITY
PRIDE BUILDCON PRIVATE LIMITED

19.12.2024

Present:- Sh. Rahul, Ld. Counsel for plaintiff.
Sh. Anil Kumar Pathak, Ld. Counsel for defendant.

1. Today, matter is listed for cross examination of PW1. PW1 is present. However, Ld. Counsel for defendant seeks an adjournment as it is stated that the main counsel is not available today.

2. PW1 was examined on 01.08.2024. On that date, cross examination was deferred at request of Ld. Counsel for defendant. Thereafter, matter was listed on 22.08.2024. On that date also, matter was adjourned at the request of Ld. Counsel for defendant for 19.09.2024. On 19.09.2024, the court was not held as the undersigned was on leave. Thereafter, on 07.11.2024, matter was again listed but Ld. Counsel for defendant was unable and adjournment was requested. It was made clear that in case the examination of PW1 is not conducted on NDOH, no further opportunity shall be granted.

3. Today, again Ld. Counsel for defendant has submitted that the main counsel is unavailable and would not be able to appear. No valid reason has been provided for not conducting the cross examination on repeated occasions. Option has been given to Ld. Counsel for defendant to conduct cross examination at 12 pm or call the main counsel, however, he has submitted that in no condition he could conduct cross examination today.

4. In view of the multiple opportunities granted to the defendant to conduct cross examination, the same has not been conducted. Further, the counsel appearing today has also signed on the vakalatnama and is not a proxy counsel but the main counsel and he is not ready to cross examine the witness. In view of the same, right of defendant to cross examine PW1 is closed.
5. Ld. Counsel for plaintiff submits that he will move appropriate application for summoning of witnesses in the list of witnesses.
6. In view of the same, list on **20.02.2025**.

(Rahul Bhatia)
DJ-1 (South-East), Saket Court
New Delhi/19.12.2024(sk)