

C.S. No. 233/16
Shyam Sunder Vs. Ashish Goyal

09.07.2018

Present: Plaintiff by Shri Pankaj Chauhan, advocate- pays the cost of Rs. 3000/- the counsel for defendant.

Defendant by Shri Tarun Kashyap, advocate.

The affidavits of the proposed witnesses are not filed as directed in the order dated 07.03.2018. On the other hand, the plaintiff has filed an application u/o 16 rule 1 (2) of CPC and the copies is furnished to the Id. counsel for defendant. Heard on the IA.

ORDERS ON IA.

1. By this IA, the plaintiff seeks summoning of four witnesses. It is submitted the LOW is already on record. In the IA, it is stated that witnesses Amit Sharma and Sunil Jha are avoiding the court and the aid of the court is also sought for summoning the official witnesses.
2. The Id. Counsel appearing for the defendant who had argued the matter, submits that this IA filed only circumvent the earlier order where he was asked to file the affidavits within 15 days. Such affidavits are not filed. Therefore, it is prayed that the application be dismissed for the lethargy shown by plaintiff.
3. During the course of hearing this IA, the Id. Counsel for the plaintiff submits that he would try again to produce the Amit Sharma and Sunil Jha by the next date. He is permitted in the ends of justice to produce these witnesses on his own. However, the aid of court is allowed in respect of the official witnesses mentioned as two person, one record clerk-COS, Shahdara to bring the record as mentioned in the IA if the copies of the IA is furnished alongwith PF. Thus, the IA stands disposed of.

Put up for further PE by 27.09.2018.

(A.S. Jayachandra)
District & Sessions Judge
Shahdara District, Delhi/09.07.2018