

18.01.2020

Present: Shri Rajeev Katlyal, LR of deceased-plaintiff.

Shri Amit Bhatnagar, Ld. Counsel for LRs of D-1.

Matter was fixed for cross examination of PW-1 today. PW-1 is present in person. Adjournment sought on behalf of plaintiff on the ground of bereavement in the family of Ld. Counsel for plaintiff. Ld. Counsel for defendant no.1 has vehemently opposed the adjournment and he has submitted that issues were framed in this matter by the Hon'ble High court vide order dated 24.01.2011 and matter was fixed for PE. Thereafter, PW-1 has tendered his evidence affidavit on 20.02.2017 and cross examination was deferred at the request of parties and adjourned for cross examination of PW-1 for 08.05.2017. Thereafter, four dates were given for cross examination of PW-1. On 04.09.2017, PW-1 was cross examined in part and further cross examination was deferred on the request of Ld. Counsel as he received urgent call from his house so he had to leave the court. Since then several opportunities were granted to LR of plaintiff for cross examination of PW-1 but the same was not conducted. From perusal of record, it appears that plaintiff is not interested to lead his evidence qua PW-1. It is a very old case instituted about 14 years ago. In view of above LR of plaintiff is not entitled to any further opportunity of leading evidence qua PW-1. Therefore, right to lead PW-1 is hereby closed.

Keeping in mind that this is an old matter which needs to be expedited, put up this matter for RPE qua PW2 & 3 as last opportunity on 10.02.2020.

(Vineet Kumar)
Additional District Judge-01
SHD/KKD/Delhi/18.01.2020