

29.07.2019

Present: Plaintiff no. 4 with Sh. Inderjeet Singh, counsel for plaintiffs.
Defendant no.2 in person with Sh. Pankaj Nanda, counsel for defendants.
PW-1 Sh. Swinder Pal Chandhok (plaintiff no.3) is present.

An application under Order 6 Rule 17 CPC for amendment of written statement has been preferred on behalf of the defendants on 15.07.2019. Copy of the application alongwith amended written statement supplied to counsel for plaintiffs today in court. After going through the application, the counsel for plaintiffs submits that no reply to the application is to be filed and that the application be allowed subject to heavy cost. By way of application on hand, the defendants seek to make corrections of some dates/years mentioned in para no. 8 of the preliminary objection and para no. 11 and 12 of reply on merits of the written statement. In view of submissions made on behalf of the plaintiffs, the application under Order 6 Rule 17 CPC is allowed subject to cost of Rs. 3000/- to be paid to the plaintiffs. Cost not paid. The defendants shall pay the cost positively on the next date.

The counsel for plaintiffs states that in view of the amendment in the written statement, neither the issues are required to be recasted nor any change in the affidavit of PW-1 is to be made.

PW-1 is tendered for cross examination. The counsel for defendant seeks adjournment by stating that he is not conversant with the facts of the case and that the main counsel Sh. Vinod Malhotra, who shall cross examine the witness, is not available today as he has undergone eye surgery. The plaintiffs are senior citizen in the present matter. **This is the second adjournment being sought on behalf of the defendants.** Only in the interest of justice, last and final opportunity is granted to the defendants to cross examine PW-1.

Put up for payment of cost by the defendants and cross examination of PW-1 on **21.09.2019**. Specific date has been given as per the convenience of counsel for defendants.

(SMITA GARG)
Addl. District Judge-02,
Shahdara, Karkardooma Courts,
Delhi:29.07.2019