

23 CS 2320/16

AMIT GROVER VS. PANKAJ KATYAL AND ORS

29.10.2024

Present: Sh. Sumit Sharma, Id. Counsel for plaintiff with plaintiff.
Sh. Hariom Giri, Id. Proxy Counsel for defendant.

Matter is listed today for further arguments on application u/o 12 rule 6 CPC filed by the plaintiff.

Proxy counsel for defendant submits that there has been a bereavement in the family of main counsel therefore, is not available today and on this ground, he is seeking an adjournment.

Counsel for the plaintiff points out order sheet dated 08.02.2024 wherein this court has observed that *written submissions not filed by the defendants till date and even today, their advocate has not come. It seems that the defendant wants to prolong the matter on one pretext or the other*".

Ld. Counsel further submits that defendants have also not filed their written submissions despite various opportunities. Counsel for the plaintiff insists that the death certificate of the family member of the counsel for defendant be filed on record.

The defendant is directed to file the death certificate of the family member of main counsel for defendant on or before NDOH.

In the interest of justice and considering the fact that Id. Proxy counsel has taken ground of bereavement in the family of main counsel for defendant, last and final opportunity is given to the defendant to file written submissions to the application u/o 12 rule 6 CPC and to address arguments.

It is made clear that no further opportunity will be given to the defendant to file written arguments and arguments on the above application. In case of non availability of the counsels, parties are directed to make alternative arrangements. In case of non apperance of the parties, the application will be decided on the basis of material available on record.

Put up for filing of death certificate of relative of main counsel for defendant and for further arguments on application u/o 12 rule 6 CPC on 22.01.2025.

(Mohammad Ehtesham)
DJ – 03, Shahdara District,
Karkardooma Courts, Delhi
29.10.2024