

SUMAN LATA @ LATA DEVI Vs. JAI BHAGWN MALIK

03.11.2023

Present: Sh. Jyotirmay Vashisht and Sh. Sumit Srivastava,
proxy counsel for Plaintiff.
Sh. Mahesh Kumar Sharma, Ld. counsel for
Defendant.
Matter is listed today for DE.

Proxy counsel for plaintiff submits that he has filed
an application under Section 151 CPC seeking to recall of Order
dated 19.04.2023 on 05.06.2023.

Heard on said application.

Ld. counsel for defendant without filing reply
thereto, submits that though the application deserves dismissal,
he submits that his client has no objection if the application be
allowed subject however with heavy costs.

Order dated 19.04.2023 perused. Perusal of same
shows that Ld. predecessor has closed the right of Plaintiff to
lead evidence as the matter was listed for PE since 1812.2027
and plaintiff failed to lead any evidence.

Considering the facts and circumstances and also in
view of no objection forwarded by ld. counsel for defendant, the
application stands disposed off as allowed & plaintiff is burdened
with costs of Rs.20,000/-. Half of this costs be deposited with
DLSA(Shah) and half be paid to other side within two weeks by
the plaintiff.

Put up for payment of costs and for PE on
02.02.2024. Plaintiff to take necessary steps in advance.

(Mohammad Ehtesham)
ADJ-03(Shahdara),
KKD Courts, Delhi
03.11.2023.