

CS 590/21
PRINCE KUMAR CHAUHAN AND ORA Vs. ASHIYA
BEGUM

20.08.2024

AT 12:31 PM

Present: Sh. Krishan Rana, Ld. Counsel for the plaintiff.
Sh. Dhananjay Kumar Jha, Ld. Counsel for the
defendant.

Matter is listed for PE.

Previous costs imposed on the defendant has also
not been deposited till date despite directions.

Ld. Counsel for defendant submits that he has
informed the defendant and defendant has stated to him that she
will deposit the costs on or before the next date of hearing.

In the interest of justice, 10 days time is granted to
the defendant to deposit/pay the previous costs imposed vide
orders dated 05.01.2024 and 15.01.2024.

PW5 is present for his further cross examination.

Ld. Counsel for defendant submits that he has
applied for certified copy prior to the last date of hearing,
however, till date he has not received the certified copy from the
Copying Agency. He further submits that he is not carrying the
receipt of the certified copy today, however, he can produce the
same on the next date of hearing. He further submits that he is
not ready to cross examine PW5 as he is not prepared to cross
examine PW5.

Perusal of the record shows that the Ld. Counsel for defendant has not stated on the last date of hearing that he has applied for the certified copy. Record further reveals that on 17.05.2024, the Ld. Counsel has put his appearance on behalf of defendant to pursue the present matter.

In view of this Court, sufficient time has been given to the defendant to cross examine PW5, however, no diligent steps have been taken by the Ld. Counsel for defendant from the last date of hearing till date. Ld. Counsel has also not inspected the judicial file till date for the reasons best known to him despite the fact that on the last date of hearing, further cross examination of PW5 was deferred on his request.

In view of the circumstances and considering the conduct of the defendant in the present matter, **the right of defendant to cross examine PW5 stands closed. PW5 is discharged.**

Ld. Counsel for the plaintiffs submits that no other plaintiffs witness is required to be examined in the present matter and therefore, the plaintiff evidence be closed.

Separate statement of the Ld. Counsel for plaintiffs recorded.

In view of the submission, plaintiffs evidence is hereby closed.

Matter is listed for defence evidence. The defendant is directed to file evidence affidavits of defendant witnesses within 30 days from today with an advance copy to the plaintiffs.

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Put up for DE on 07.11.2024.

(Deepanker Mohan)
District Judge-04
Shahdara District/KKD Courts/Delhi
20.08.2024