

CS No. 381/18
M/S Sara Foods
Vs.
Darpan Chandra And Ans.

30.07.2024

Present : Counsel for plaintiff.

Counsel for defendant.

Counsel for plaintiff has submitted that he does not wish to examine any other witness but to examine the plaintiff further.

An additional affidavit has been filed by the plaintiff for PW-1 for exhibiting the additional documents which were allowed to be filed by the court vide order dated 28.11.2023. Copy supplied.

Counsel for the defendant has objected to the filing of the additional evidence stating that the cost of Rs.5,000/- was imposed while allowing the application under Order 7 Rule 14 CPC, which has not been paid by the plaintiff till date.

In rebuttal, counsel for the plaintiff has submitted that the documents filed by him could not be exhibited till the last date of hearing as the cross-examination was going on. It was only after the cross-examination was concluded that he has come up with the additional affidavit and he is ready to pay the cost today itself.

Arguments heard and record perused.

It is correctly submitted that the cross-examination was concluded on the last date of hearing and it was only during the

cross-examination that the application under Order 7 Rule 14 CPC was allowed.

In the opinion of the court, there has been no delay in filing additional affidavit, however, there is an apparent delay in payment of the cost. Howsoever, in the interest of justice, the plaintiff is permitted to pay the cost to defendant today and tender his evidentiary affidavit. Cost of 5,000/- is accepted without prejudice to right of the defendant by counsel for defendant.

Be listed for tendering of affidavit and cross-examination on 15.10.2024.

(Purva Sareen),
District Judge-01, South,
Saket Court/ND/30.07.2024