

02.09.2024

CS No. 11338/16
M/s Chauhan Diesel vs. Nirulas Corner

Present: Sh. Shivam Mishra, Proxy counsel for the plaintiff a/w witness.
Sh. Naveen Kumar, Proxy counsel for the defendant.

Perusal of the record shows that the defendant in the present matter is taking repeated adjournments to cross-examine the plaintiff's witnesses on one pretext or the other.

Keeping in view the aforesaid facts, the right to further cross-examine PW-1 was closed vide order dated 04.12.2023.

The matter since the said date is listed for the cross-examination of PW-2 and 3 and PW-2 was partly cross-examined on 22.02.2024 and on 03.06.2024.

In the meanwhile, an application seeking recall of witness i.e. PW-1 whose evidence stood closed on 04.12.2023 had been filed on 05.03.2024 and the same is pending disposal.

Another application seeking waiver of the cost imposed vide order dated 04.12.2023 is also pending disposal.

It is worth noting the fact that vide order dated 04.12.2023, last and final opportunity was granted to the defendant to cross-examine PW- 2 and 3.

Today, PW-2 Sh. Dheeraj is present before the court.

It is submitted on behalf of the proxy counsel for the defendant that the main counsel has suddenly fallen ill and is therefore unable to appear before the court.

One opportunity is granted to the defendant to conclude the cross-examination of PW-2 and 3 on the NDOH subject to a further cost of Rs. 5000/-.

It is made clear that in case an adjournment is again sought by the defendant on any ground whatsoever, the right to cross-examine PW-2 and 3 would stand automatically closed without any further opportunity.

Renotify the matter on **09.12.2024**.

Sachin Sood
DJ-01, Central, THC
02.09.2024