

14 CS DJ ADJ 225/17 KRISHNA JAIN Vs. BAL RAM GUPTA AND ORS

17.05.2024

Present: Sh. Jai Gaba, Proxy counsel for Sh. Anuj Jain, Ld. Counsel for plaintiff along with husband of plaintiff.
Sh. Atul Sharma, Ld. Counsel for defendant no. 1.
Sh. N K Aggarwal, Ld. Counsel for defendant no. 2.
Sh. Ajay Sharma, Ld. Counsel for defendant no. 3 along with son of defendant no. 3.

No PW is present today.

Summoned witness Sh. S K Khanna stated to be expired as per process report and this fact is also conceded by the parties present before this court.

Record reveals that, issues were framed on 27.05.2017 and matter is pending for PE since then. Till date, plaintiff has examined seven witnesses out of which PW6 was examined, cross-examined and discharged on 29.03.2019 while PW7 (incorrectly mentioned as PW6 in order dated 28.07.2023) i.e. Devender Kumar was examined, cross-examined and discharged on 28.07.2023. Today, again adjournment is sought on behalf of plaintiff on the ground that, he want to get examined some expert witness to prove certain documents. However, same is strongly opposed by Ld. Counsel for defendants on the ground that, FSL report is already exhibited by PW5 and plaintiff is deliberately delaying the present proceedings.

Record also reveals that, present matter is more than seven years old. Vide order dated 13.10.2023, this court specifically directed the plaintiff to complete remaining PE on 16.02.2024. While on 16.02.2024 adjournment was sought on behalf of plaintiff on account of non availability of main

counsel and this court again directed the plaintiff to conclude entire PE on NDOH i.e. today. In fact, it was specifically mentioned in case plaintiff failed to conclude PE on NDOH, PE shall be closed. Thus, this court is not inclined to further adjourn this case for the purpose of RPE. **Accordingly, PE stands closed.**

At this stage, Ld. Counsel for all defendants submit that, they are not inclined to give any evidence as plaintiff failed to prove his case. **DE stands closed.** Separate statement is recorded to this effect.

Put up for final arguments on **03.06.2024.**

(SHILPI M JAIN)
DJ-05 (SW)/Dwarka Courts
New Delhi: 17.05.2024