

CS DJ ADJ 17198/16
SUNIL AND ORS
Vs.
KAMLESH AND ORS

15.07.2019

Present: Sh. Jai Singh, brother of plaintiff No.1 in person.
Sh. Naval Kautsa, counsel for the defendant No.2.

Brother of plaintiff No.1 submits that the counsel is held up in other Court and would appear around 12:30 p.m.

Matter be kept back for appearance of counsel for the plaintiff.

(Hargurvarinder S.Jaggi)
ADJ-02 : Dwarka Courts
New Delhi/15.07.2019

At 12:45 p.m.

Present: Sh. Sunil Chauhan, counsel for the plaintiff.
Sh. Joginder Sehrawat, counsel for the defendant
No.2.

It is observed that plaintiff No.1, namely, Smt Sunil was examined and cross-examined in part and further cross-examination of plaintiff No.1 was deferred on the ground of her not feeling well.

On perusal of order-sheet it is further observed that the issues were framed on 18.10.2016 and thereafter, the issue No.6

was framed on 04.12.2017 and issue No.7 was framed on 25.02.2019. It is further observed that the examination-in-chief and cross-examination of the plaintiff No.1 was recorded prior to the subsequent issues i.e. issue No.6 & 7 framed on two different occasions.

Today, Sh. Chauhan, learned counsel for the plaintiff submits that the plaintiff wants to drop plaintiff No.1 as a witness.

Sh. Sehrawat, learned counsel for the defendant No.2 submits that the defendant No.2 has strongest objection of the plaintiff No.1 being dropped as a witness at this stage and that too when she was cross-examined on a previous occasion i.e. 30.01.2017 and whose cross-examination was deferred on account of not feeling well.

The request of counsel for the plaintiff to drop the witness(PW1) is allowed, subject to the condition that her examination-in-chief and cross-examination recorded shall be part of the record and the defendants may rely upon them in accordance with law.

That said, Sh. Jai Singh, Sh. Raj Kumar and Sh. Dharampal whose names appear at serial Nos.1, 2 & 4 in the list of witnesses filed by the plaintiff are present today.

With regard to Sh. Raj Kumar deposing in favour of the

plaintiffs, learned counsel for the defendant No.2 has taken objection that a defendant in a suit cannot be called as plaintiff's witness.

I, deem appropriate to record the testimony of Sh. Jai Singh, who is constituted attorney of plaintiff No.1 and is present in the Court.

PW-2, Jai Singh has tendered his evidence by way of affidavit and his examination-in-chief is recorded separately. Cross examination is deferred due to paucity of time as it is already lunch time and learned counsel for the defendant No.2 submits that he is unavailable to attend the Court proceedings as he has to attend proceedings before the Revenue Court.

List for P.E. on **26.07.2019**.

(Hargurvarinder S.Jaggi)
ADJ-02 : Dwarka Courts
New Delhi/15.07.2019