

MACT 547/17
B.L. KHERA Vs. SHUBHAM KANNOJIA
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PARSHANT Vs. SHUBHAM KANOJIA
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SHANKAR Vs. SHUBHAM KANOJIA
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MANJEET Vs. SHUBHAM KANOJIA

20.11.2025

Present: Advocate Sh. Abhishek for claimant.
Claimant Manjeet, Shanker and Prashant in person.
R1 in person.
Advocate Ms. Ramya Rai, proxy counsel for R1
through VC.

1. Today again adjournment is being sought by proxy counsel for R1 by saying that main counsel Sh. Ranjeet Kumar is unable to come due to medical problem of his wife. Situation was same even on the last date.

2. It appears that these cases were filed in the year 2017. Initially, some other advocate was representing the R1 but later on another vakalatnama came to be filed under the signature of Sh. Manish Kanojiya and Sh. Ranjeet Kumar. It appears that when the evidence was recorded, the driver appeared but without counsel. Even earlier, the driver was appearing without counsel and subsequent to evidence also the driver was appearing without counsel. This shows that it was the respondent no. 1/ driver who was not interested in cross-examining the witnesses. Ultimately, PE was closed after recording of testimony of three witnesses and opportunity was given to lead evidence on the side of respondent. He kept on seeking adjournment and therefore, the

Ld. Predecessor vide order dated 06.05.2025 closed the right to lead evidence. When the matter was heard by Ld. Predecessor and was kept on for judgment, an application under Section 151 CPC came to be filed by respondent no.1/driver for recalling of order dated 06.05.2025 citing medical problem of wife if main counsel.

3. Since there are two names appearing on vakalatnama and both the advocates have signed the vakalatnama, any one could have appeared for evidence. Even if it is accepted that Sh Ranjeet Kumar was facing any difficulty, there is no explanation as to why the other Advocate Sh Manish Kanojiya could not have appeared. The situation shows that respondent no.1 is deliberately delaying the matter and nothing else.

4. Today when the fact of signing of vakalatnama by two counsels has been pointed out to the proxy counsel, initially she stated that Sh. Manish Kanojiya is not with Sh. Ranjeet Kumar and that Sh. Manish Kanojiya may be relative of driver Subham Kanojiya. However, the driver i.e. respondent no. 1 who is present in person submits that Manish Kanojiya may be partner of Sh. Ranjeet Kumar. Even otherwise, I do not find any reason as to why Sh. Manish Kanojiya will sign as an advocate on the vakalatnama, if he was not being engaged. This shows that even the Ld. Proxy counsel is telling lie. This type of conduct cannot be appreciated. It is expected from the advocate that they should

assist the court and should not be tried to mislead the court by wrong submissions.

5. However, I am still not inclined to allow the case to be decided without giving a proper opportunity to the respondent no.1. Therefore, I am allowing one opportunity to lead his own evidence by filing affidavit with advance copy to the opposite side subject to cost of Rs.10,000/- to be paid to claimant.

6. The application filed under section 151 CPC is disposed off.

7. Let the affidavit be filed within 20 days with advance copy to opposite counsel.

8. List for RE on 17.12.2025.

(Rakesh Kumar Singh)
PO, MACT-01, Dwarka Courts,
New Delhi/20.11.2025