

CS DJ ADJ 666/19  
Vijay Jain vs. Neeru Saxena

16.01.2024

Present: Sh. Vikram Panwar, Ld. Counsel for plaintiff.  
Sh. Arun Baali, Ld. Counsel for defendant along with defendant.  
PW1/plaintiff in person.

Application u/s 35 and 36 of Indian Stamp Act r/w Sec. 151 CPC filed on behalf of the defendant. Copy supplied. Let reply if any, be filed within four weeks from today with advance copy to the opposite side. Applicant/defendant would be at liberty to file rejoinder, if any within two weeks thereafter.

Matter is fixed for PE. However, Ld. Counsel for defendant submitted that PE cannot be done until above application u/s 35 and 36 of Indian Stamp Act r/w Sec. 151 CPC is adjudicated by this court. Accordingly, he sought adjournment.

Submissions heard. Record perused.

In the considered opinion of this court, PE cannot be adjourned merely on the ground of pendency of miscellaneous application as same would be decided as per its own merit. Record also reveals that, even on the LDOH cross-examination of PW-1 was deferred at the request of defendant. Thus, no ground made out for adjournment.

Since, PW-1 is senior citizen and is present, Ld. Counsel for defendant is directed to cross-examine PW-1. Accordingly, PW-1 is partly cross-examined, her further cross-examination deferred at the request of Ld. Counsel for defendant.

Put up for further cross-examination of PW-1/PE and arguments on pending application on 13.02.2024.

**Shorter date is given as plaintiff is senior citizen.** It is made clear that, no further adjournment shall be given to the defendant on unnecessary grounds.

(SHILPI M JAIN)  
ADJ-05 (SW)/Dwarka Courts  
New Delhi: 16.01.2024