

13 CS DJ ADJ 1059/18 SARITA DEVI Vs. NITIN GOEL AND Anr.

11.01.2024

Present: Ms. Mamta, Ld. Proxy counsel for Sh. Vijay Kumar, Ld.
Counsel for plaintiff.
Defendants in person.

Matter is fixed for PE. PW1 is also present. However, adjournment sought on behalf of defendant on the ground that, the main counsel is not available being out of station.

Perusal of the record reveals that, vide order dated 20.03.2019 issues were framed and matter is pending for PE since then. Record also reveals that, vide order dated 14.01.2020 defendant was proceeded ex-parte and PW-1 was examined and discharged and matter was fixed for ex-parte final arguments. Record also reveals that, on 28.01.2021 defendant filed in application u/o IX Rule 7 CPC r/w Sec. 151 CPC for setting aside of ex-parte proceedings qua him and same was allowed subject to cost of Rs. 2,000/- and last opportunity was given to defendant to cross-examine PW-1 vide order dated 28.01.2023. Record also reveals that, none appeared on behalf of defendant on 27.09.2023 and matter adjourned with further cost of Rs. 5,000/-. Cost not paid till date.

Considering the conduct of defendant, this court is not inclined to further adjourn the present matter. However, in the interest of justice, one more last and final opportunity is granted to the defendant to cross-examine PW-1 on **05.02.2024.**

It is made clear that no further adjournment shall be given to defendant to cross-examine PW-1 on the NDOH.

(SHILPI M JAIN)
ADJ-05 (SW)/Dwarka Courts
New Delhi: 11.01.2024