

Civ DJ 11346/16

M/S ARORA ASSOCIATES REALTY LTD Vs. BINA MINJ

27.04.2024

Present: Sh. Anil Sethi, Id counsel for plaintiff, connected through VC.
Sh. Durgesh Chandra, Sh. Deepak Goswami alongwith
Sh. Mukesh Kumar, Id proxy counsels for plaintiff are also
present in Court.
None for defendant.

Vide this order, this Court shall decide the application under Order 26 Rule 2 read with Section 151 CPC moved on behalf of plaintiff. Reply of same has been filed by the other side and arguments were also advanced on the same on behalf of plaintiff, however, despite opportunity, arguments have not been advanced on the said application on behalf of defendant.

By way of present application, prayer has been made to record the evidence of plaintiff no.2/PW-1 through Commission. It is submitted that plaintiff no.2/PW-1 is of the age of about 90 years and considering the same, evidence be recorded at his residence. It is submitted that plaintiff is ready to bear the fees of the Commissioner and other expenses. This Court is of the considered view that as per the age proof of plaintiff no.2/PW-1, he is of the age of about 90 years, so considering the age of plaintiff no.2/PW-1, application is allowed.

Matter be put up for furnishing of details of Commissioner and for submission on the part of Id counsels regarding the appropriate date, on which, plaintiff no.2/PW-1 can be examined at his residence on **04.05.2024**.

(Dharmender Singh)
Additional District Judge-01(West)
Tis Hazari Courts, Delhi
27.04.2024