

Civ DJ No. 9139/16

M/s PSA Polymers Ltd vs. M/s Hari Om Udyog

16.05.2023

Present : Sh. Jitu Khare, ld proxy counsel for plaintiff.

Sh. Deepak Vuttsya, ld. counsel for defendant.

In this matter, one application under Order 16 Rule 1 & 3 read with Section 151 CPC has been moved on behalf of defendant. By way of said application, defendant is seeking permission to examine one more witness namely, Sh. Dalip Kumar in DE.

Reply of application has been filed on behalf of plaintiff.

Arguments heard.

Ld. counsel for defendant submits that witness, which he wants to examine is a material witness and matter is at the state of DE. It is submitted that he is only remaining witness to be examined in DE.

On the other hand, ld. counsel for plaintiff submits that no list of witnesses was filed on behalf of defendant on record and present application is merely delaying tactics.

In view of the fact that matter is still at the stage of DE and witness is material one, application under Order 16 Rule 1 & 3 read with Section 151 CPC is allowed, subject to cost of Rs.1,000/- to be paid to the other side.

It is informed that affidavit of evidence of DW-Dalip Kumar is already filed on record and copy has been supplied to plaintiff.

Put up for DE on **02.08.2023**.

(Dharmender Singh)
Additional District Judge-01(West)
Tis Hazari Courts, Delhi
16.05.2023