

Suit No: 613012/16

Sunny Johar & Anr vs Jagdish Verma & ors

16.01.2019

Present: Sh Lokesh Chopra, proxy counsel for plaintiff.
Sh. Mukesh Goyal, counsel for defendant no.1
Ms Shivani, counsel for defendant no. 2 to 4.

Adjournment on behalf of plaintiff sought stating that affidavit in evidence could not be prepared as main counsel for plaintiff has met with an accident on 24.12.2018 and counsel has suffered hand injuries. Medical Documents are also produced.

Counsel for defendant submits that matter is pending since long. Counsel for defendant has also drawn my attention towards the order dated 15.12.2016.

I have heard and considered the rival contentions and have perused the record.

Perusal of record shows that issues were framed on 28.11.2014. After recording the conduct of plaintiff my predecessor on 15.12.2016 gave last opportunity to plaintiff to lead evidence. Subsequently the matter was listed for consideration on the application under Order 22 Rule 4 CPC which was decided on 26.07.2018. Even if the counsel has met with an accident on 24.12.2018, then also he had ample time to prepare the affidavit in evidence. If counsel is not available today to file the affidavit in evidence on record then atleast advance copy of affidavit in evidence should have been supplied to the opposite party or his counsel to show his bonafide.

However, adjournment request is allowed considering the personal difficulty of counsel and in the interest of justice, one last and final opportunity is granted to plaintiff to lead PE subject to further cost of Rs. 20,000/- .

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Be listed for PE on 27.04.2019. Advance copy of affidavit in evidence be filed on or before next date of hearing after supplying advance copy of same to the opposite party or his counsel atleast 10 days prior to next date of hearing.

Sugandha Aggarwal
ADJ-07/West/Delhi
16.01.2019