

03.10.2023

This case has been listed before the undersigned for the first time since the undersigned has joined the present posting on 31.08.2023.

Present: Sh. Mayank Rustagi Id. Counsel for the plaintiff.
Sh. Jai Ram Gard, Id. Counsel for defendant through V.C.

Two applications, out of which one is u/s 151 CPC on behalf of the plaintiff for recalling the order dated 08.08.2023 and another application u/s 151 CPC on behalf of the plaintiff for postpone of hearing for the remaining cross-examination of PW-1, have been filed on 26.09.2023. Copies of the same have already been supplied to Id. Counsel for the defendant through e-mail.

Ld. Counsel for the plaintiff submits that PW-1 is not available for today for his cross-examination as he has to go to out of Delhi for inaugural ceremony of Boot Operator Instromedic Pvt. Ltd. Id. Counsel for the plaintiff also prays for recall of the order dated 8.8.2023 and for waiving the cost of Rs. 50,000/- imposed upon the plaintiff.

Ld. Counsel for the defendant submits that on the last date of hearing this court had made clear to the plaintiff that no request for waiver of the cost will be entertained. He further submits that Id. Counsel for the plaintiff has not placed any record/document regarding attending the inaugural ceremony by PW-1. He further submits that function at Jalore

was on 2nd October and PW-1 could return to Delhi today for his cross-examination and he submits that plaintiff is intentionally delaying the present matter.

The above said application regarding waving of cost imposed vide order dated 8.8.23 is kept pending. Two dates are being given to plaintiff for conclude his plaintiff evidence as the matter is of 2016. Ld. Counsel for the defendant is also directed to conclude the cross-examination of PW-1 on the next date of hearing. Ld. Counsel for the plaintiff is also directed to file document regarding attending the function by PW-1 at Jalore. The application for postpone of hearing u/s 151 CPC is accordingly disposed off.

Put up on 06.11.2023 for cross-examination of PW-1 as well as for other witnesses at 12.30 P.M and also put up on 05.12.2023 for remaining PE.

(SHIV KUMAR)
ADJ-02, West Distt.
Tis Hazari Courts
Delhi:03.10.2023 (S)