

CS no. 507/16

Registration no. : 10965/16

M/s Siya Ram Bros. (Rajasthan) Pvt. Ltd. Vs M/s Kirloskar Oils Engines Ltd. & Ors.

06.12.2017

Present: AR of plaintiff in person with counsel Sh. Vineet Chaddha
alongwith Sh. Saumitri Pradhan
Sh. Purshottam Jha, counsel for defendant.

Today matter was listed for final arguments but certificate u/s 65 B has been filed and tendered today by Pw1 mr. Ashish Gupta. Ld. Counsel for defendant has relied upon the judgment titled as "Anvar P.V. Vs P.K. Basheer & Ors" and submitted that the certificate u/s 65 B cannot be allowed to be tendered at this stage. I have gone through the judgment and in the opinion of this court the same can now be allowed to be tendered at a belated stage. This certificate is a statutory certificate and can be placed on record any time even after final arguments are heard before pronouncement of judgment.

Since certificate u/s 65 B has been allowed to be tendered today, the entire case of both the parties have changed as counsel for defendant has submitted that since no certificate was filed alongwith the e-mails which have been tendered and relied upon by the plaintiff, counsel shall need to cross examine the witness again and the defendant shall also weigh his options whether to lead his evidence or not. Submissions are true and fair. Allowed.

Defendant is also allowed to lead evidence, if he so desires after cross examination of PW1 is over. For that defendant to take steps immediately after cross examination of PW1 within two weeks.

Be put up for cross examination of PW1 and for PE on 23.12.2017.

Copy of this order be given dasti to counsel for defendant.

(SUNIL BENIWAL)
ADJ-02, Central, Delhi
06.12.2017