

CS No. 498/2016
Pramod Kumar Singh Vs. Praveen Jain

23.11.2024

Present : Plaintiff in person
Sh. Pramod Kumar Dubey, Ld. Counsel for plaintiff
(appearing through Video Conferencing).
Defendant in person.

At request, be awaited till 11.00 am.

(Manu Vedwan)
District Judge-02/North-East,
KKD Courts, Delhi/23.11.2024

At 11.15 pm

Present : Plaintiff in person with Ld. Counsel Sh. Pramod Kumar
Dubey.
Defendant in person with Ld. Counsel Ms. Anushka.

Fresh vakalatnama filed on behalf of defendant. Be taken on
record.

Be awaited for the presence of doctors till 2.00 pm.

(Manu Vedwan)
District Judge-02/North-East,
KKD Courts, Delhi/23.11.2024

At 2.30 pm

Present : Plaintiff in person with Ld. Counsel Sh. Pramod Kumar
Dubey.
Sh. Saif, Ld. Proxy counsel for defendant.
Dr. Vandana Kalra and Dr. T.C. Singh, both from Delhi
Heart and Lung Institute are present alongwith their record.

It is submitted by Ld. Proxy counsel for defendant that the

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main counsel is not available now and he is unable to record the testimonies of witnesses present before the Court.

Both the witnesses present before the Court submitted that no further opportunity be granted to the defendant as already sufficient opportunities have been granted and they have presented themselves for their examination on earlier occasions also, but, of no avail. It is further submitted by both the witnesses that they have taken out their valuable time to appear before the Court and now Ld. Counsel for defendant is not available without any reason accordingly, they may be discharged. It is also submitted on behalf of the doctors that they being summoned witnesses are unaware what to be stated in their examination in chief otherwise they be themselves get recorded their examination in chief.

Ld. Counsel for defendant Ms. Anushka appearing through Video Conferencing submitted that as the witnesses are present they may be cross examined. Ld. Counsel for plaintiff submitted that without the examination in chief of the witness, how they can be cross examined. Ld. Counsel for the defendant's attention has been drawn by the Court towards the sections 137 and 138 of the Indian Evidence Act in which it is specifically mentioned that the witnesses shall be examined in chief and only then cross examined. It seems that Ld. Counsel for defendant is not ready to get recorded the testimonies of witnesses present before Court.

At this stage, Ld. Counsel for plaintiff submitted that the plaintiff was given one opportunity to lead further evidence vide order, dated 19.04.2023, which was duly respected by the plaintiff on the following date without wasting the time of the Court. It is submitted by Ld. Counsel for plaintiff that the defendant had got numerous opportunities to complete the defendant's evidence, but, of no avail. It is

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also submitted by Ld. Counsel for plaintiff that no further opportunity be granted to the defendant in view of the today's unpreparedness of the Ld. Counsel for defendant and his right be accordingly closed. It is also submitted that defendant is just wasting the time of the Court and it is not understandable that after summoning the doctors as witnesses why the main counsel for defendant is not present and is making wrong submissions through Video Conferencing.

At this stage, Ld. Counsel Sh. Prabhakar Pandey submits that he may examine both the doctors as he has earlier also represented them, but, at the time of examination in chief showed his unawareness with respect to the type of the questions need to be asked during the examination in chief or the documents need to be put to them to be exhibited, if needs to be exhibited in the present case.

Keeping, in view overall circumstances, and in view of the submissions already made by all the concerned persons/doctors/lawyers, it seems reasonable that the right to examine both the doctors that is Dr. Vandana Kalra and Dr. T.C. Singh, be closed and they are accordingly discharged.

Put up for leading of further evidence, if any on behalf of defendant on **03.03.2025**. Only one opportunity is granted to the defendant for the same.

(Manu Vedwan)
District Judge-02/North-East,
KKD Courts, Delhi/23.11.2024