

21 CS DJ 478/22 PARDEEP KUMAR Vs. ASHOK GARG
05.08.2025

Ld. Presiding Officer was on short leave today.

Present: One Law intern Ms Charan Kamal Kaur, has appeared on behalf of plaintiff through VC. Son of defendant Sh. Navdeep Ashok Garg is present with Ld. Counsel Sh Amit Vohra. Sh. Mohan Kumar, Ld. Counsel for summoned witness from IDFC Bank. Sh. Gaurav, Senior Manager from IDFC Bank, Kashmere Gate is present. Sh. Kaushik Goswami, Manager, Standard Chartered Bank, ITO Express Branch is present. At this stage, Ld. Counsel Sh Amanpreet Singh has appeared through VC on behalf of plaintiff. Plaintiff is not present.

Case is at the stage of PE since 06.11.2023.

Since then till date no PE has been led. Perusal of the file shows that evidence affidavit of plaintiff is on record. The evidence affidavit is attested and verified on 19.07.2024, as per the endorsements made on the face of the affidavit, since then till date the evidence has not even been tendered.

On earlier occasions as well witnesses have been summoned on behalf of the plaintiff and had to be discharged unexamined.

The rule is clear as far as Civil Procedure is concerned that first, except when otherwise directed, the parties to the suit have to be examined first.

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In this view, both the summoned witness are today discharged unexamined and they shall be summoned, subject to filing of fresh application for their summoning after the plaintiff is examined in this matter.

The diet money of Rs. 1000/- each for both the summoned witnesses be deposited in the court as per rules by NDOH which can be withdrawn by the witnesses.

Adjournment is sought on behalf of the plaintiff on the ground that plaintiff is not available today. The stage is set when the opportunity of the plaintiff to lead PE must be closed due to inordinate delay. However, considering the persistent requests of Ld. Counsel for plaintiff, one last and final opportunity is being given to the plaintiff to tender his evidence, if any/PE subject to cost of Rs. 25,000/-. Part cost shall be deposited with Delhi Bar Association and part cost shall be paid to the defendant.

Re-notify for PE on **27.10.2025**.

(Sumeet Anand)
DJ-11/Central/THC
Delhi/05.08.2025

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