

TM No.968/16

Lakkha Ram Sharma Vs. M/s Balar Marketing

13.10.2023

Present: Mr. M. K. Miglani, Advocate for the plaintiff.
Mr. Himanshu Choudhary Advocate for the
defendant
DW Pramod Trade and Tax Department is present.

DW Pramod is also present from the Trade and Tax Department. However, he is discharged today unexamined. Diet money paid.

Two applications, first, under Section 151 CPC for first deciding / disposing of the application of the defendant under Order VIII Rule 1A CPC before proceedings with the tendering of the evidence on behalf of the DW1 and second application under Section 151 CPC read with Order 16 Rule 1 and 2 CPC made on behalf of the defendant. Heard. Copies supplied.

By way of application under Section 151 CPC regarding first deciding the application of defendant under Order VIII Rule 1A before proceeding with the tendering of evidence on behalf of the DW1, counsel for the defendant submits that the partial tendering of evidence and exhibition of document without first disposing of this application of the defendant for taking on record the additional document, will make the proceedings cumbersome. It is further submitted that the application under Order 8 Rule 1A CPC read with section 151 CPC be disposed of /

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decided first before proceeding with the tendering of evidence and exhibition of documents on behalf of the DW1.

On the other hand, counsel for the plaintiff has no objection if the application is allowed.

For the reasons stated in the application, submissions made by the counsel and no objection given by the counsel for the defendant, the application is allowed.

By way of the second application under Section 151 CPC read with Order 16 Rule 1 and 2 CPC, counsel for the defendant seeks to summon the concerned persons from the offices of the Principal Commissioner, Department of Trade and Taxes, Govt. of NCT of Delhi Commissioner of Commercial Taxes, Looking after the records of ward no. 82 to bring the record pertaining to the Atul Cable Company as mentioned in the application.

For the reasons stated in the application and the submissions made by both the counsel, the application is allowed.

Adjournment sought for defendant evidence.

Put up for Arguments on application under Order VIII Rule 1 of CPC and Defendant Evidence on 16.10.2023 at 12 Noon.

(Dr. RAKESH KUMAR)
ADDITIONAL DISTRICT JUDGE-03
(CENTRAL) THC/DELHI /13.10.2023