

CS (COMM) No. 1231/2020
Durga Enterprises Vs. Arun Metal Industries

01.04.2022

Present: Sh. Shashank Gupta, Advocate, Ld. Counsel for the Plaintiff.
Sh. Vaibhav Chauhan, Proxy Counsel for Ms. Prabhjot Kaur, Advocate, Ld. Counsel for the defendant. (Defendant is already ex-parte vide order dated 06.10.2021.)

PW1 is examined in chief.

Ld. Proxy Counsel requests to defer the cross-examination on the ground that main counsel has not come today as about six months ago she blessed with a baby child and since then she has not joined the profession on regular basis. Request is opposed on the ground that since defendant is ex-parte, defendant has no right to cross-examine the witness.

Record reveals that defendant is proceeded ex-parte vide order dated 06.10.2021, but defendant has right to join the proceedings. Since the defendant joined the proceedings, he can cross-examine the witness. As the Ld. Counsel blessed with a baby about six months ago, the reason furnished for non-appearance of the Counsel is not just and reasonable. However, in the interest of justice, one last opportunity is given to the defendant to conclude the cross-examination, subject to the cost of Rs.5,000/- to be paid to the witness.

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It is made clear if defendant fails to cross-examine the witness on the next date, no further opportunity shall be given.

Renotify the matter for cross-examination of PW1 on 20.04.2022.

(Pawan Kumar Jain)
District Judge (Commercial Court-03)
Central/ THC/ Delhi.
01.04.2022