

01.04.2023

Present: Sh. Kaushik Chatterjee, Ld. Counsel for the plaintiff.
Sh. Risabh Jain, Ld. Counsel for defendant.

Reply to leave to defend application has filed. Copy already supplied.

Parties are invited to argue on the same. An adjournment has sought by Ld. Counsel for defendant through an application. Even the application is neither signed nor supported with an affidavit, accordingly, same is not maintainable and stands dismissed.

Ld. Counsel for defendant has made oral request for adjournment on the ground that Ld. Arguing Counsel for defendant is not available today as he is busy in some other Courts.

The Order 17 Rule 2(c) CPC is reproduced as under:

“The Fact that the pleader of a party is engaged in another Court, shall not be a ground for adjournment.”

In view of grounds made by defendant, I see no no sufficient reason/ground to adjourn the matter. In the interest of justice, two weeks time is granted to the defendant to lead arguments on leave to defend subject to cost of Rs. 3,000/- to be deposited with Shahdara Bar Association.

However, on the oral prayer/submissions made by Ld. Counsel for defendant, cost of Rs. 3,000/- is waived off.

At joint request, matter is referred to Mediation Center, Karkardooma Court for today itself i.e. 06.04.2023 at 2.00 pm.

Put up the matter for report / arguments on 21.04.2023.

(SURINDER S. RATHI)
District Judge
Commercial Court-03
Shahdara District, KKD
Delhi/01.04.2023