

EJECTMENT SUIT NO. 202 OF 2007

ORDER NO. 74 DATED 08.03.2018

Ld.Counsels for both parties are present on call. One affidavit-in-opposition on behalf of the plaintiff is filed. Let it be kept with the record.

The application of the defendant dated 27.11.2017 is taken up for hearing.

By filing the instant application, the petitioner/defendant has prayed for recalling of the order dated 16.11.2017 and/or modification of the same for further cross examination of P.W.1.

Plaintiff raised strong objection submitting, inter alia, that there is a direction of the Hon'ble Court for disposing of the matter within a period of one year and the time limit has already been exhausted. The instant application is fictitious in nature only to drag the proceeding.

Heard ld. Advocates for both sides. Perused the application and the materials available on record.

It is a fact that the cross examination of P.W.1 was pending for a long time since 15.12.2016 and the defendant has repeatedly prayed for time on one pretext or the other. there is also a time bound solemn order/direction of the Hon'ble Court to dispose of the case record within a stipulated time period which has already expired. Moreover, Plaintiff, as submitted, that P.W.1 is a dialysis patient.

Keeping in view the lagardness on the part of the defendant as well as sufficient opportunity enjoyed by him to conclude the cross examination of P.W.1, his prayer for recall/further cross examination of P.W.1 vide the instant petition dated 27.11.2017 is hereby rejected since the the case record is already pending over a decade and need to be disposed of expeditiously to subserve ends of justice or rather to prevent miscarriage of justice.

EJECTMENT SUIT NO. 202 OF 2007

ORDER NO. 74 contd.

**Fix 29.03.2018 for P.W.2 positively.**

DICTATED AND CORRECTED BY ME,

JUDGE

JUDGE  
[ 5TH BENCH ]