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IN THE HIGH COURT OF DELHI AT NEW DELHI

+ CS(OS) 2658/2013

SANTOSH KUMAR ARORA Plaintiff
Through: Mr. Sumit Jidani, Advocate.

versus

REETA ARORA Defendant
Through: Mr Harsh Ahuja, Advocate with
Mr. Kushal Kumar, Advocate.

CORAM:
HON'BLE MR. JUSTICE MANMOHAN

ORDER
02.05.2018

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The matter has been listed before the Court as the Joint Registrar has once again closed the right of the defendant to lead evidence.

Learned counsel for defendant/sister-in-law states that in accordance with the order dated 28th February, 2018, cost of Rs.50,000/- had been deposited with the Lok Nayak Hospital within a period of three weeks. He, however, states that the order was wrongly construed by the defendant to mean that the list of witnesses and evidence by way of affidavits had to be filed within a period of three weeks thereafter i.e. deposit of the cost.

In the opinion of this Court, the order was categorical inasmuch as the list of witnesses and the evidence by way of affidavits had to be filed within a period of four weeks from the date of the order. In fact, the receipt of cost



had to be filed simultaneously with the list of witnesses and evidence within a period of four weeks.

If the time period is construed as has been sought to be urged by the defendant, then the next date of hearing i.e. 18th April, 2018 would have been an infructuous date – which it clearly was not supposed to be.

However, in the interest of justice, subject to payment of additional costs of Rs.25,000/- to be deposited with the Lok Nayak Hospital within a period of two weeks, the defendant is permitted to file/re-file the list of witnesses and the evidence by way of affidavits within the same period of time.

List the matter before the Joint Registrar for recording of defendant's evidence on 11th July, 2018.

The Joint Registrar is directed to conclude the evidence within a period of three months of the first date of hearing.

MANMOHAN, J

MAY 02, 2018

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