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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ CS(COMM) 377/2018

PANICKERS TRAVEL INDIA PVT LTD Plaintiff
Through: Mr.Manish Singhal, Advocate.

versus

CHENNAI PANICKERS TOURS AND
TRAVELS PVT LTD & ANR Defendants
Through: Mr. K.V. Balakrishnan, Advocate.

CORAM:
HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER
% **24.10.2019**

1. By an order dated 11.02.2019, the plaintiff's application to summon an additional witness was allowed by the Joint Registrar, subject to payment of costs. The matter was fixed before the Local Commissioner on 22.04.2019. The witness was not summoned on the said date, and the Local Commissioner adjourned the proceedings. On the next date i.e., 28.05.2019, learned counsel for the plaintiff informed the Local Commissioner that he is suffering from herpes in his right eye and he was unable to resume work for approximately two months. Despite two further opportunities, he was unable to summon the witness.

2. Learned counsel for the plaintiff submits that the delay has occurred on account of his illness and requests for one further opportunity to summon the witness in terms of the order dated 11.02.2019.

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3. In the circumstances aforesaid, the plaintiff is granted a last opportunity to summon the witness, subject to payment of further costs of ₹25,000/- with Delhi High Court Staff Welfare Fund (S.B. A/c No. 15530110074442). The costs be deposited within 10 days and summons be issued to the witness returnable before the Local Commissioner on 05.12.2019 at 11:30am. Any further default on the part of the plaintiff will lead to closing of his evidence.

4. After the summoned witness is examined, the Local Commissioner will give directions for filing of affidavits of the defendant's witnesses and recording of their evidence.

5. List on 18.03.2020.

6. The previous orders regarding the arrangements to be made for summoning the witnesses and for recording of evidence will continue to operate.

PRATEEK JALAN, J

OCTOBER 24, 2019

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