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IN THE HIGH COURT OF DELHI AT NEW DELHI

CS(COMM) 158/2016

M/S BUCON INFRATECH PVT LTD Plaintiff

Through: Mr. Dhiraj Sachdeva, Adv.

versus

M/S RUDRA BUILDWELL PROJECTS PVT LTD

..... Defendant

Through: Ms. Raveesha Gupta, Adv. (Enrl.

No. D/2007/20147, Mob.

9811614545) with DW Mr.

Mukesh Khurana in person

CORAM:

**JOINT REGISTRAR (JUDICIAL) MS. PRIYA
MAHENDRA, (DHJS)**

ORDER

% 01.12.2022

CS (COMM) 158/2016

The matter is listed for DE. However, adjournment is sought by learned counsel for the defendant on the ground that she has been recently engaged in the present matter.

Adjournment request is vehemently opposed by learned counsel for the plaintiff. It is stated by learned counsel for the plaintiff that defendant is not intentionally complying the orders and deliberately not leading DE with a sole motive to delay the disposal of the present matter. Learned counsel for the plaintiff has drawn my attention to Order dated 31.03.2022, wherein right of defendant to further cross-examine PW1 was ordered to be closed due to non appearance of the defendant since many dates of hearings. He further submits that in order to give opportunity to the defendant to lead DE, the court ordered, in the interest of justice, to send copies of order-sheets to learned counsel for the defendant and opportunities were



repeatedly given on 07.09.2022, 06.09.2022 and 27.09.2022 to the defendant to lead DE. Despite the same, no steps have been taken by the defendant to lead DE. Learned counsel for the plaintiff has also placed on record the Filing Details of the present matter taken from the Website of Delhi High Court and submitted that fresh Vakalatnama was filed by Sh. Akshat Gupta, Adv. on behalf of the defendant on 14.09.2022. He also appeared before the court on 27.09.2022 and represented the defendant. Still, the defendant has not filed any Evidence by way of Affidavit of its witnesses till date. Even no advance copy of the Evidence Affidavit has been supplied to learned counsel for the plaintiff. Learned counsel for the plaintiff submits that defendant cannot be given opportunity to lead DE again and again on the pretext of change of counsel and submits that DE may be ordered to be closed.

Heard. Record perused. The submissions made by learned counsel for the plaintiff, are correct as per the record. The negligent and cavalier attitude of the defendant in pursuing the present matter is apparent on record. So, no ground is made out to give further opportunity to the defendant to lead DE. However, solely in the interest of justice and subject to imposition of cost of Rs.10000/- upon the defendant to be paid to learned counsel for the plaintiff, last and final opportunity is granted to the defendant to file soft copy as well as hard copy of Evidence Affidavit of its witnesses, within two weeks with copy to opposite side.

Re-notify the matter for DE on 10.2.2023 at 12.00



p.m. It be noted that no further opportunity shall be given to the defendant to lead DE on the next date of hearing on any ground whatsoever. The date is given as per the convenience of learned counsels for the parties.

PRIYA MAHENDRA (DHJS)
JOINT REGISTRAR (JUDICIAL)
DECEMBER 1, 2022/ab
Click here to check corrigendum, if any