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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: Mr. Ravinder Singh, Adv.

CORAM:

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

ORDER

% 10.01.2023

**IA No.415/2023 under Section 5 of Limitation Act r/w
Section 151 CPC moved by defendant seeking
condonation of delay in filing Evidence by way of
Affidavit and cost**

Learned counsel for the plaintiff is present and
accepts notice of captioned IA.

Arguments heard. At this stage, after detailed
arguments, it is pointed out by learned counsel for the
defendant that the matter is already listed before this court
on 10.02.2023 and, therefore, as such no prejudice would
be caused to the plaintiff in case captioned IA is allowed.

In view of reasons mentioned in the application and
the fact that the matter has been listed before this court on
10.02.2023 for recording of evidence of defendant's
witness, captioned IA is allowed subject to imposition of
further cost of Rs.8000/- to be paid by the defendant to
learned counsel for the plaintiff.

Previous cost of Rs.10,000/- has been paid by
learned counsel for the defendant to learned counsel for the
plaintiff by way of cheque (details of which is already
mentioned in the captioned IA) today in court.

Learned counsel for the defendant undertakes that he



will pay cost of Rs.2000/- to learned counsel for the plaintiff on the next date of hearing.

It is stated by learned counsel for the defendant that he has filed soft copy of List of Witnesses and Evidence by way of Affidavit of the sole witness of the defendant. However, as per office note, soft copy of Evidence by way of Affidavit is lying under objection. Learned counsel for the defendant is directed to remove the objections, if any, within one week and bring Evidence by way of Affidavit on record before the next date of hearing. Moreover, it is conceded by learned counsel for the defendant that he has not filed hard copy of Evidence by way of Affidavit of the sole witnesses of the defendant, despite directions. At request, learned counsel for the defendant is also directed to file hard copy of Evidence by way of Affidavit of sole witness within one week, failing which heavy cost shall be imposed upon the defendant.

Accordingly, captioned IA stands disposed of.

Re-notify the matter for DE for date already fixed i.e. 10.02.2023.

PRIYA MAHENDRA (DHJS)
JOINT REGISTRAR (JUDICIAL)
JANUARY 10, 2023/ab

[Click here to check corrigendum, if any](#)