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

+ **CS(OS) 625/2010**

M/S YAHOO EXPORTS PVT LTD

..... Plaintiff

Through: None.

versus

MANJIT KAUR & ORS

..... Defendants

Through: Mr. A. K. Padhy, Adv. for D-2 & 3.
Ms. Richa Kapoor & Mr. Ashish
Negi, Advs. for D-4.

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

ORDER

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12.01.2017

OA 164/2016 (against order dated 2.5.2016 of Joint Registrar) and IA No. 10562/2016 (under Section 5 of Limitation Act) (both moved by defendant No.4)

Inspite of pass over and the matter being called out again at 3.40 p.m. no one has appeared for the plaintiff. The original appeal directed against order dated 2.5.2016 and the connected application have been pending for some time now and there is no reason to adjourn.

For reasons set out in the application, the delay is condoned IA No. 10562/2016 stands allowed.

Having heard the learned counsel for the appellant and having gone through the record, this Court finds no just or sufficient reasons for the counsel for defendant No.4 to assume that the matter would be taken up for

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recording of evidence on 2.5.2016 only at 2.00 p.m. Even on the preceding date, to her knowledge, the matter was taken up in the pre-lunch session and the evidence was recorded. Be that as it may, for default on the part of the counsel, the rights of defendant No.4 cannot be compromised. Thus, the appeal is allowed subject to costs of Rs. 10,000/- which shall be deposited in Delhi High Court Legal Services Committee, upon payment of which, the defendant No.4 shall be entitled to further cross-examine PW-1 for which the Joint Registrar shall fix a suitable date.

The appeal stands disposed of in these terms.

R.K.GAUBA, J

JANUARY 12, 2017

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