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IN THE HIGH COURT OF DELHI AT NEW DELHI

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CS(OS) 625/2010

M/S YAHOO EXPORTS PVT LTD

..... Plaintiff

Through Appearance not given.

versus

MANJIT KAUR & ORS

..... Defendant

Through Mr. A.K. Padhey, Adv..

CORAM:

SANJAY JINDAL (DHJS), JOINT REGISTRAR (JUDICIAL)

ORDER

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12.12.2018

CS(OS) 625/2010 & IA No. 2796/2018 u/sec. 151 CPC filed by defendant no. 2.

The matter is fixed today for consideration on the above captioned IA and cross-examination of PW-2 Mr. Sachin Sabnani. The PW-2 is very much present. Passover is sought by learned proxy counsel for defendants with contention that main counsel is busy before Hon'ble Court.

At request, be awaited till 12.00 noon.

**SANJAY JINDAL (DHJS)
JOINT REGISTRAR (JUDICIAL)**

At 12.05 p.m.

Learned counsel for defendant no. 2 submits that prior to cross-examination of PW-2, the application filed by defendant i.e. IA

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No. 2796/2018 for taking the photos of the signatures of Anup Singh Bhagga from the Court file is necessary to be decided as it will help in deciding the main application vide Crl. M.A. No. 8521/2017 in which the defendants have raised the issue of perjury. Further that pleadings in the said IA are already complete and that if the said applications are decided in favour of applicant, the suit will not go further. It is also stated that such types of applications are to be decided first as per law laid down by the Hon'ble Supreme Court and the Hon'ble High Court. He states that he has mentioned the relevant case law in the body of the application vide Crl. M.A. No. 8521/2017 in this regard.

On the other hand, learned counsel for plaintiff submits that the defendants wants to delay the proceedings on one pretext or other and the request is not bonafide one. In addition, it is submitted by learned counsel for plaintiff that vide order dated 01.03.2018, the Hon'ble Court decided/dismissed the application filed by defendants for rejection of plaint vide IA No. 3035/2018, with conditional cost of Rs. 20,000/- payable to Delhi High Court Lawyers Social Security and Welfare Funds before the next date of hearing failing which the defendants were precluded from participating in the suit, so, let the learned counsel for defendant be asked if the said cost has been deposited or not. Further that if the said cost has not been deposited then the learned counsel for defendants is not entitled to even cross-examine the PW-2.

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Learned counsel for defendants submits that he shall be depositing the cost as per directions.

On perusal of record, it is revealed that cost of Rs. 20,000/- has already been deposited by the defendants and a receipt dated 21.03.2018 is available on record. Learned counsels for both the parties appear equally ignorant about the same. So, the issue of cost is clear from the previous record and clearly the said cost has already been deposited by the defendants.

So far as the request made by learned counsel for defendants for disposal of the above captioned IA prior to cross-examination of PW-2 is concerned, since the pleadings in the said IAs are already complete and the prayer made therein does not come within the ambit of the powers of the Joint Registrar, I deem it appropriate to put the matter before the Hon'ble Court for further directions.

Hence, let the matter be put up before the Hon'ble Court for further directions on 19.12.2018.

SANJAY JINDAL (DHJS)
JOINT REGISTRAR (JUDICIAL)

DECEMBER 12, 2018/pk