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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CS(OS) 2209/2006**
JAPPREET K. KITTY

..... Plaintiff

Through: Mr. Anuj Handa, Advocate.

versus

CHEIL COMMUNICATIONS INDIA PVT. LTD. & ORS.

..... Defendant

Through: Mr. Mohit Chadha, Advocate.

CORAM:
HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER
25.11.2022

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I.A. 18987/2022

1. An application under Section 151 of CPC, 1908 has been filed on behalf of the plaintiff seeking enlargement of time for leading evidence in terms of the Order dated 30.08.2022.
2. It is submitted in the application that since the plaintiff was in U.K and it took her time to get her visa to be able to come to India for her evidence. She was unable to appear in the Court on 10.10.2022. A prayer is made that one opportunity be given for her evidence to be concluded on 29.11.2022 as already fixed.
3. Learned counsel for the defendant has seriously opposed the application and has asserted that on 30.08.2022, when an opportunity was given to the plaintiff for recording the evidence, the plaintiff was aware that



she is in U.K and may have a difficulty. Despite this, the plaintiff had undertaken to get the evidence done on 10.10.2022. There is no reason now to give any further opportunity.

4. Submissions heard.

5. Vide Order dated 30.08.2022, an opportunity was given to the plaintiff for concluding the evidence. Since, she was in U.K and had a difficulty in getting the visa in time to be able to appear and depose in the Court on 10.10.2022, the Order cannot be nullified and it has to be held that one effective opportunity is to be given.

6. The plaintiff is at present in India and available. One final opportunity is given to the plaintiff for 29.11.2022, failing which the evidence of the plaintiff shall be closed.

7. The application is accordingly disposed of.

NEENA BANSAL KRISHNA, J

NOVEMBER 25, 2022/PA