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

+ **CM(M) 216/2018**

BISHAMBER LAL BEHAL

..... Petitioner

Through: Mr. Jai Bansal, Advocate with
Mr. Sudhir Kumar, Advocate

versus

DEEPAK CHOPRA

..... Respondent

Through:

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

ORDER

% **23.02.2018**

CM APPL.7062/2018 (exemption)

Exemption allowed subject to all just exceptions.

Application stands disposed of.

CM(M) 216/2018 and CM APPL.7061/2018 (stay)

The petitioner is the plaintiff of the civil suit (Case No.94984/2016) for recovery of money, he being a senior citizen (85 years). It appears from the proceedings, copies of which have been submitted, that on his request the District Legal Services Authority of Central District has made available the services of Mr. Karam Chand Jha, Advocate to assist him in prosecuting the case. The case had reached the stage of defendant's evidence (DE), the defendant having tendered his evidence by way of affidavit (as DW1) on 22.04.2016.

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The proceedings recorded thereafter show that the legal aid counsel would not appear on several dates this becoming the reason for adjournments, of course, adjournments having been granted for other reasons as well. Eventually, on 10.11.2017 when the counsel was present and DW1 was tendered for cross-examination, he requested for the matter to be deferred as copies of the documents tendered during chief-examination were not available with him. The civil Judge noted the past conduct and declined to defer the case, closing the opportunity for cross-examination by order dated 10.11.2017. It is the said order which is challenged by the petition at hand.

Issue notice to the respondent, on appropriate steps being taken within a week, by all permissible modes, returnable on 3rd August, 2018.

The civil Judge shall not pass a final order in the case till further directions of this Court.

The Secretary, District Legal Services Authority of Central District is directed to make a report as to the conduct of the legal aid counsel before the next date of hearing.

The registry to ensure due compliance in time.

Dasti under the signature of Court Master.

R.K.GAUBA, J.

FEBRUARY 23, 2018

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