



\$~17

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

+ **CS(OS) 933/2013**

VIVEK GARG

..... Plaintiff

Through: Mr. Manoj Mittal Advocate

versus

Y.C KURELE

..... Defendant

Through: Mr. Badal Dayal Advocate

CORAM:

**SH. PANKAJ GUPTA (DHJS), JOINT REGISTRAR
(JUDICIAL)**

ORDER

%

06.09.2017

Again the plaintiff's witness namely Mr. Virender Singh is not present. Learned counsel for plaintiff submits that he has moved an application for summoning of the witnesses. However, as per office report, no application has been filed vide diary No. 12734 dated 09.03.2017. Learned counsel for plaintiff submits that he has re-filed the said application, however, he failed to mention the date when it was re-filed. Learned counsel for plaintiff seeks one more opportunity to lead the evidence. Learned counsel for defendant opposes the same. As per record, the same position existed on 30.03.2017 and there is no change in the circumstances thereafter. Last time also, the matter was fixed on 2 dates for recording the evidence, however on one date, the



matter was adjourned and another date was cancelled. Even now, the matter is listed for evidence for today and also for tomorrow i.e. 07.09.2017. No plausible explanation is given by learned counsel for the plaintiff for non appearance of the witness Mr. Virender Singh who was absent on the last date of hearing also. Due to inaction on the part of the plaintiff, the matter is to be adjourned for today and tomorrow's date is to be cancelled. In the interest of justice, one last opportunity is granted to the plaintiff to lead evidence subject to cost of Rs. 15,000/- out of which Rs. 10,000/ be deposited with the 'Army Welfare Fund Battle Casualties' by the plaintiff and the remaining cost of Rs. 5000/- be paid to the defendant by the plaintiff. The plaintiff is directed to file the proof towards deposit of cost with the registry within two weeks from today.

Relist for plaintiff's evidence on 15.12.2017.

The date fixed i.e. 07.09.2017 stands cancelled.

SH. PANKAJ GUPTA (DHJS)
JOINT REGISTRAR (JUDICIAL)

SEPTEMBER 06, 2017
hk