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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CS(OS) 1243/2010**
RENE SINGH

..... Plaintiff

Through Appearance not given.

versus

M/S U.S ADVERTISING & ANR

..... Defendant

Through Mr. Divij Souj, Adv.

CORAM:

SANJAY JINDAL (DHJS), JOINT REGISTRAR (JUDICIAL)

ORDER

% 25.09.2018

CS(OS) 1243/2010

Matter is fixed today for defendant's evidence. Witness namely Mr. Mahesh Sharma from DTC is present. Witness from UCO Bank is also present.

It is stated that the chamber appeal filed by plaintiff against order dated 31.05.2018 is fixed for 29.11.2018 but there is no stay and the witnesses are to be examined as per order dated 23.08.2018 of the Joint Registrar and order dated 24.09.2018 of the Hon'ble Court.

The witness from DTC is partly examined as DW-2 but his further examination is deferred at the repeated/persistent request of the proxy counsel for plaintiff who submits that a short adjournment may be given for examination of the witnesses as the main counsel for plaintiff is not available today due to some extreme personal difficulty. It is stated that presence of the main counsel for plaintiff is

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necessary at the time of examination of the witnesses, particularly in view of the previous proceedings of the case. Learned counsel for defendant has submitted that although he does not dispute the ground of adjournment, he is of the view that the two witnesses who are present today can very well be examined today being the witnesses pertaining to records and the presence of learned main counsel for plaintiff is not necessary.

In the entirety of facts and circumstances, I am of the view that it will be in the interest of justice if the above mentioned are examined in the presence of learned counsel for plaintiff and no serious prejudice shall be caused to the defendants if the witnesses are discharged un-examined for today and bound down for a shorter date subject to just conditions.

Hence, the above mentioned two witnesses who are present today are discharged for today and bound down for next date of hearing with directions to produce the concerned summoned record. The diet money of the above mentioned witnesses for the next date shall be paid by the plaintiff. Today's diet money shall be paid by the defendant.

It is submitted by learned counsel for defendants that there is no stay against recording of evidence and two more witnesses, who are not present today, are also to be summoned. At request, let fresh steps be taken by defendants for summoning of those two remaining witnesses for next date of hearing.

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Put up for further examination of DW-2 and remaining DE on
10.10.2018.

SANJAY JINDAL (DHJS)
JOINT REGISTRAR (JUDICIAL)

SEPTEMBER 25, 2018/pk