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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CS(OS) 438/2016**
SH. SURENDRA KUMAR GUPTA Plaintiff
Through: Mr. Ashok Chhaparia, Adv. with
plaintiff in person
versus
SH. ASHOK KUMAR GUPTA AND ORS Defendant
Through: Mr. Chandan Kumar, proxy cl.
CORAM:
JOINT REGISTRAR (JUDICIAL) MS. PRIYA MAHENDRA,
(DHJS)

ORDER

% **01.09.2022**

CS(OS) 438/2016

The matter is listed for further cross-examination of DW1, Mr. Ashok Kumar Gupta, who is not present. It is stated by proxy counsel for defendants that DW1 is not present today as counsel for defendants came to know that plaintiff has recently engaged a new counsel and so, learned counsel for defendants was under the impression that learned counsel for plaintiff will not appear today to cross-examine the witness. On this ground adjournment is sought by proxy counsel for defendants, which is vehemently opposed by learned counsel for the plaintiff. It is stated by learned counsel for plaintiff that no intimation was given by the plaintiff or by him to defendants or learned counsel for defendants as to engagement of new counsel or any advance intimation of adjournment for today. It is stated that defendants are taking lame excuses to delay the trial of the present matter. It is stated that plaintiff is a senior citizen aged about 69 years.

Heard. Learned proxy counsel for defendants has not furnished



any valid reason for adjournment. However, in the interest of justice, no adverse order is being passed today and one last and final opportunity is granted to defendants to produce DW1 for his evidence on the next date of hearing, failing which cost of Rs.20,000/- shall be imposed upon the defendants.

At this stage, it is stated by learned counsel for plaintiff that in order to expedite the present matter, he will move an appropriate application for recording of evidence by learned Local Commissioner and he is ready to bear the entire cost of the same. Plaintiff is at liberty to proceed as per law.

Re-notify the matter for further cross-examination of DW1 on 31.10.2022.

SEPTEMBER 01, 2022/ab

**PRIYA MAHENDRA (DHJS)
JOINT REGISTRAR (JUDICIAL)**

[Click here to check corrigendum, if any](#)