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

+ CS(COMM) 1423/2016

BRIJESH KUMAR & ASSOCIATESPlaintiff

Through: Mr. Sanjoy Bhavmik, Advocate.

versus

DELHI DEVELOPMENT AUTHORITY & ANRDefendants

Through: Ms. Chand Chopra & Ms. Yogya Sharma,
Advocates for Defendants (DDA).

CORAM:

JOINT REGISTRAR (JUDICIAL) MS. TYAGITA SINGH, (DHJS)

ORDER

% **06.11.2024**

Matter is taken up through physical hearing as well as video conferencing.

The case is fixed for Defendant's Evidence but affidavit of evidence filed by DDA is lying under objection. Ld. Counsel for DDA has stated that filing of affidavit was delayed due to which objection has been raised by the Registry, however, the previous cost has been paid to the plaintiff.

On the other hand, Ld. Counsel for plaintiff has strongly objected that defendant has been seeking time since January 2023 for filing of affidavit of evidence and the case has been delayed for about two years but till date, affidavit has not come on record.

Heard. In the interest of justice, last and final opportunity is granted to defendants /DDA for bringing the affidavit on record. The delay for filing affidavit is condoned subject to further cost of Rs. 5000/- to be paid to the plaintiff. Affidavit of evidence be got placed on record after removing any other objection raised by the Registry, within two weeks as



last and final opportunity to defendants/DDA, failing which right of defendants to lead defence evidence will be closed on next date of hearing.

At request, hard copy of affidavit be supplied to Ld. Counsel for plaintiff.

Be fixed for examination-in-chief and cross-examination of DW-1 on 18.02.2025 at 2 PM. Witness and main counsel for the parties are directed to appear on next date.

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**TYAGITA SINGH, (DHJS),
JOINT REGISTRAR (JUDICIAL)**

NOVEMBER 6, 2024/sm