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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**  
+ CS(COMM) 711/2017 & CC(COMM) 41/2018, I.A. 12053/2017  
MS. ASHA DASS & OTHERS .....Plaintiffs  
Through: Mr.Ashutosh Lohia, Mr.Varun  
Kumar, Ms.Pooja Chahar,  
Adv.

versus

PRIME ROAD SOLUTIONS PVT. LTD. & ORS  
.....Defendants  
Through: Counsel (appearance not given)

**CORAM:**  
**HON'BLE MR. JUSTICE NAVIN CHAWLA**

**ORDER**

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**19.09.2024**

1. By the Order dated 09.02.2024, this Court after framing the issues in the Suit and the Counter Claim, had appointed a Local Commissioner to record the evidence of the plaintiffs.
2. The Suit was, thereafter, listed before this Court pursuant to the Record of Proceedings dated 18.05.2024 of the learned Local Commissioner, which *inter alia* recorded that the plaintiffs' evidence in affirmative is closed.
3. In the Order dated 27.05.2024 of this Court, it was however, inadvertently recorded that the learned Local Commissioner has reported that none had appeared on behalf of the defendants for producing their evidence.
4. The learned counsel for the plaintiffs fairly points out that the learned Local Commissioner was appointed only to record the



evidence of the plaintiffs and that the above observation of the court is not correct.

5. He, however, submits that the defendants have till date not filed their list of witnesses nor have filed the evidence by way of affidavit of its witnesses. He prays that the opportunity of the defendants to do the same should be closed.

6. The learned counsel for the defendants is praying for an adjournment.

7. As a last opportunity, the defendants are granted two weeks' further time to file their list of witnesses, failing which it shall be presumed that the defendants do not wish to lead any evidence in the Suit and their opportunity to lead evidence shall stand closed.

8. The evidence by way of affidavit of the witnesses of the defendants shall be filed within a period of four weeks from today, failing which, again it shall be presumed that the defendants do not wish to lead any evidence and rights of the defendants to lead evidence shall stand closed.

9. List before the learned Joint Registrar (Judicial) on 9<sup>th</sup> December, 2024 for recoding the evidence of the defendants.

**NAVIN CHAWLA, J**

**SEPTEMBER 19, 2024/Arya/VS**

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