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IN THE HIGH COURT OF DELHI AT NEW DELHI
CS(COMM) 711/2017
MS. ASHA DASS & OTHERSPlaintiffs

Through: Ms. Ishika Mittal & Mr. Varun
Kumar, Advs.

Versus

PRIME ROAD SOLUTIONS PVT. LTD. & OTHERS
.....Defendants

Through: None.

CORAM:
JOINT REGISTRAR (JUDICIAL) MS. PRIYA
MAHENDRA, (DHJS)

ORDER

% **09.12.2024**

CS(COMM) 711/2017

The matter is listed today for DE. As per office note, the defendants have neither filed List of Witnesses nor Evidence by way of Affidavits till date.

At this stage, it is pointed out by learned counsel for the plaintiff that defendant no.2&3 were allowed to be deleted from the array of the parties vide order dated 06.07.2021. Further, the plaintiff expressed willingness to delete the defendant no.4 in the order dated 28.02.2020 and that the same is also recorded in the order dated 02.03.2022.

As per Amended Memo of Parties also, there is only one defendant left in the present matter. So, the registry is directed to amend the title of the suit.

Learned counsel for the defendant already sought discharge in the present matter by filing an application



bearing IA no.46683/2024 which was allowed vide order dated 29.11.2024. Learned counsel for the defendant has also filed the communication dated 14.11.2024 along with the said application which was sent to the defendant informing that due to non receipt of instructions from the defendant despite repeated efforts, learned counsel for the defendant is now seeking discharge and defendant may make alternative arrangement for appointment of another counsel. Despite the same, none is present on behalf of the defendant today.

At this stage, learned counsel for the plaintiff has brought my attention to order dated 19.09.2024 passed by the Hon'ble Court. Vide said order, the Hon'ble Court made it clear that the defendants are granted last opportunity to file their list of witnesses and Evidence by way of Affidavit of the witnesses of the defendants within the timeline as prescribed by the Hon'ble Court, 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. Despite the same, the defendant has neither filed List of Witnesses nor Evidence Affidavit till date. Accordingly, the evidence of defendant is ordered to be closed.

On perusal of the proceeding-sheet of learned Local Commissioner, it is found that evidence of the plaintiffs was recorded in the main suit CS(COMM) 711/2017. Learned counsel for the plaintiffs submits that the evidence was recorded for the suit as well as in the counter claim but it is not so reflected in the proceeding-sheet of learned Local Commissioner. Learned counsel for the plaintiffs



seeks sometime to clarify the same.

At request of learned counsel for the plaintiffs,
re-notify the matter for further proceedings on 03.03.2025.

PRIYA MAHENDRA (DHJS)
JOINT REGISTRAR (JUDICIAL)
DECEMBER 9, 2024/ab
[Click here to check corrigendum, if any](#)