

2

\$~5

* IN THE HIGH COURT OF DELHI AT NEW DELHI

+ CM(M) 197/2015 & CM 4375/2015 (stay)

SOLAN FOOD PRODUCTS (P) LTD Petitioner

Through: Mr. P.S. Bhindra, Adv.

versus

BREWRIES ENGINEERING PVT LTD

..... Respondent

Through: None

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

15.04.2015

%

Since 14th April, 2015 was declared a holiday, the matter is being taken up on 15th April, 2015.

Even on pass-over none appears on behalf of the respondent despite service. Vide order dated 4th February, 2015 the evidence of the petitioner/defendant was closed as neither DW-1 Vijay Ghosh was present for cross-examination nor any other witness of defendant was present.

A perusal of the order sheet of the learned Trial Court would reveal that on 10th September, 2014 the plaintiff's evidence was closed in affirmative and the matter was listed for defence evidence on 1st November, 2014. On 1st November, 2014 no defence witness was present and thus the matter was adjourned subject to cost of ₹1000/-. On the next date i.e. 8th December, 2014 DW-1 Vijay Ghosh was present but he was discharged unexamined for the next date and the cost was paid by the petitioner. On 22nd December, 2014 the learned PO was on leave and hence the matter

CM(M) 197/2015

page 1 of 2

3

could not be taken up. On 4th February, 2015 when DW-1 was not present, the present order was passed. The reason why Vijay Ghosh was not present on 4th February, 2015 was because of confusion in the date as he was residing in Solan.

Learned counsel for the petitioner/defendant informs that the next date before the learned Trial Court is 27th May, 2015. He further states that he has to examine only one witness i.e. DW-1 Vijay Ghosh. His evidence by way of affidavit has been tendered and only cross-examination is left.

In view of the facts of the case, I deem it fit to grant one opportunity to the defendant to lead his evidence. DW-1 Vijay Ghosh will be present before the learned Trial Court on the next date i.e. 27th May, 2015 when the counsel for the plaintiff would cross-examine him subject to payment of cost of ₹5000/- to be paid by the petitioner/defendant to the plaintiff on the next date of hearing.

Petition and application are disposed of.


MUKTA GUPTA, J.

APRIL 15, 2015
'ga'