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

+ **CS(OS) 556/2007**

SH. VINOD PESWANI & ORS.

..... Plaintiffs

Through

versus

SMT. MINI KAPOOR & ANR.

..... Defendants

Through: **Mr. Ashim Vachher & Mr. Pawash
Piyush, Advocates.**

CORAM:

HON'BLE MR. JUSTICE VALMIKI J. MEHTA

ORDER

% 09.02.2016

O.A.No. 313/2015 (against order dated 30.7.2015 by defendants)

1. This O.A is filed against the order of the Joint Registrar dated 30.7.2015 closing the right of defendants' evidence.

2. It is noted that the defendants had already led evidence of DW1 and 2 and on 30.7.2015 the matter was listed for further evidence of the defendants. Therefore, except for the date of 30.7.2015, there was no other date fixed for remaining evidence of the defendants.

3. CPC being a handmaid of justice and if the opposite party can be compensated with costs, courts have ample powers in procedural matters to be liberal and grant appropriate relief to the parties.

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4. Counsel for the defendants states that defendants will pay costs of Rs.20,000/- to the plaintiffs for an adjournment caused on 30.7.2015 and the defendants will ensure that within two dates of hearing the remaining evidence of the defendants will be completed.

5. Accordingly, subject to defendants paying costs of Rs.20,000/- to the plaintiffs and also completing their remaining evidence within two hearings, this O.A is allowed making it clear that in case the defendants do not complete their evidence in two hearings, no further right will be given to the defendants and the right to lead evidence of the defendants will be deemed to be closed.

O.A is disposed of accordingly.

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6. Since this Court does not have pecuniary jurisdiction in view of the Office Order dated 24.11.2015 issued by Hon'ble the Chief Justice in exercise of powers conferred by Section 4 of the Delhi High Court (Amendment) Act, 2015, whereby ordinary suits which are not commercial matters having pecuniary jurisdiction up to the value of rupees two crores

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cannot be tried by this Court and commercial matters up to the value of rupees one crore cannot be tried by this Court, this suit is transferred for decision to the jurisdictional Court under the District & Sessions Judge (South), Saket Courts, New Delhi.

7. Let parties appear before the District & Sessions Judge (South), Saket Courts, New Delhi on 23rd March, 2016. Suit file be made available to the District & Sessions Judge (South), Saket Courts, New Delhi, on the date fixed.

VALMIKI J. MEHTA, J

FEBRUARY 09, 2016
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