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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CM(M) 163/2016
SATINDER GULATI

..... Petitioner

Through Mr. Arvind Dhingra, Adv.
versus

AIMIL LTD

..... Respondent

Through None.

CORAM:
HON'BLE MS. JUSTICE INDERMEET KAUR

ORDER

% 17.02.2016

C.M.No.5790/2016 (Exemption)

Exemption is allowed subject to all just exceptions.

Application disposed of.

CM(M) 163/2016 & C.M. No.5789/2016 (stay)

The petitioner is aggrieved by the impugned order dated 16.10.2015 vide which his right to lead evidence stood closed. The Trial Court had noted that the suit is more than 2 decades old; having an age of 22 years. Since the last 4-5 years, the dates were being sought by the plaintiff to lead evidence. Learned counsel for the petitioner has largely based his argument on the no objection which has been given by the learned counsel for the respondent. Further submission being that the plaintiff is a senior citizen and is actually a resident of Mumbai. He has come from Mumbai on every date of hearing but on the date when the impugned order was passed he could not appear and his counsel had failed to get the matter adjourned who was informed prior in time but this was because of administrative exigencies qua the concerned

Advocate. Learned counsel for the petitioner further submits that there is only one witness which has to be examined.

Subject to payment of costs of Rs.20,000/-, one more last opportunity is granted to the plaintiff to lead his evidence. It is stated that affidavit by way of evidence of the plaintiff is already on record. The petitioner undertakes to produce PW-1 on the next date which is stated to be 27.02.2016. No adjournment shall be given beyond that date. Learned counsel for the petitioner also undertakes to inform the counsel for the defendant in order that he may be prepared to cross-examine the witness on the next date.

With these directions petition disposed of.

Order dasti under signatures of the Court Master

INDERMEET KAUR, J

FEBRUARY 17, 2016

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