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IN THE HIGH COURT OF DELHI AT NEW DELHI

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CM(M) 199/2016 & C.M. No.7445/2016

RAKESH KUMAR

..... Petitioner

Through

Mr. Arun Sharma, Advocate

versus

SUNITA GOEL

..... Respondent

Through

None

CORAM:

HON'BLE MS. JUSTICE INDERMEET KAUR

ORDER

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30.03.2016

Petitioner is aggrieved by the order dated 25.01.2016 vide which the defendant evidence stood closed. The Court had noted that the matter was called several times but none had appeared for the defendant. No witness of the defendant was present. No steps were taken by the defendant to summon any witness in spite of several opportunities already having been afforded to the defendant for the said purpose. Defence evidence stood closed on that date and the matter was listed for final arguments.

Record reveals that the present suit is a suit for possession and damages filed by the plaintiff against the defendant. The suit relates to the year 2010. Written statement was filed in the year 2010. Issues were framed on 13.10.2010. Matter was thereafter listed for plaintiff evidence and evidence of the plaintiff stood closed on 14.09.2012. Matter was thereafter fixed for evidence of the defendant. Evidence of the defendant could not be led, infact on the following date an application for framing of an additional issue was filed by the defendant i.e on 16.04.2013. The affidavit of the defendant was still not filed.

Defendant was directed to file his affidavit subject to payment of cost. Thereafter dates for evidence of the defendant were taken which is evident from the order dated 05.12.2013. Suit was thereafter transferred to another court. Defendants sought time to file certain documents on record and for the said purpose he moved an application for which the matter again got delayed. On 06.09.2014 defendant again sought time to address arguments on this application. This was reiterated on 01.10.2014 and again on 13.01.2015. Matter was kept pending and adjourned. Suit was again transferred. The application filed by the defendant was dismissed on 10.11.2015 and on that date matter was again listed for evidence of the defendant with a direction that advance copy of the affidavits of the witnesses of the defendant who were to be examined be supplied to the opposite side in advance before the next date i.e. 25.01.2016. The Court had passed the impugned order on 25.01.2016 noting that none was present on behalf of the defendant although the matter was called in the pre lunch hour as also in the post lunch hour (2.pm). No steps had also been taken by the defendant to summon the witnesses. Accordingly, defendant evidence stood closed. The order sheets as noted supra clearly reflect the lackadaisical and almost negligent attitude on the part of the petitioner only appears to be delaying the matter. This Court is not inclined to interfere in the impugned order. Petition is without any merit.

Dismissed.

INDERMEET KAUR, J

MARCH 30, 2016/gb