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

+ C.R.P. 86/2016

MULTIVAC INDIA PVT LTD ..... Petitioner  
Through Mr.Vineet Sinha, Advocate

versus

M/S ARTISTIC HANDICRAFTS PVT LTD ..... Respondent  
Through Mr.Rajesh Yadav & Mr.Neeraj  
Yadav, Advocates

**CORAM:**

**HON'BLE MR. JUSTICE JAYANT NATH**

**ORDER**

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**09.11.2016**

1. By the present petition filed under Section 115 of the CPC the petitioner seeks to impugn the order dated 18.02.2016 by which the plaintiff/petitioner's evidence was closed.
2. The trial court by the impugned order noted that issues were framed on 16.09.2014. Thereafter, the petitioner has taken five adjournments for giving evidence, namely, on 25.12.2014, 19.02.2015, 22.08.2015, 12.10.2015 and 07.12.2015. On 18.02.2016 also no witness was present for the petitioner.
3. By the present petition, it is pointed out that the learned counsel for the petitioner appeared on 18.02.2016 and had also filed an affidavit by way of evidence of the petitioner dated 07.12.2015 and has paid the entire cost. The petitioner had also sought a pass over before the trial court but the trial court had refused to pass over the case. It is also stated that in the month of April, 2014 the authorised representative of the petitioner, namely

Mr.Maruti Garg had refused to depose on behalf of the petitioner and hence the petitioner was constrained to appoint a new authorised representative for contesting the case. It is further stated that the director of the company was out of the country. On this basis, the petitioner seeks one final opportunity to lead evidence.

4. Though, the conduct of the petitioner shows that the petitioner is pursuing the matter in a casual and lethargic manner, however, in the interest of justice and subject to payment of cost of Rs.15,000/-, the present petition is allowed and the petitioner is granted one final opportunity to lead evidence.

5. The learned counsel for the petitioner submits that there are only two witnesses to be examined and that witness shall be brought to the court on its own responsibility.

6. It is made clear that no adjournment shall be granted to the petitioner for the purpose of leading evidence.

7. With the above, the present petition and all pending applications stand disposed of.

**JAYANT NATH, J.**

**NOVEMBER 09, 2016/v**