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

+ CM(M) 777/2016

LALIT KUMAR Petitioner

Through Petitioner-in-Person

versus

BIMLA DEVI Respondent

Through None.

CORAM:

HON'BLE MR. JUSTICE JAYANT NATH

ORDER

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16.08.2016

CM No. 29531 /2016 (exemption)

Allowed subject to all just exceptions.

CM(M) 777/2016 and CM No. 29530/2016 (stay)

By the present petition, the petitioner seeks to impugn the orders dated 31.05.2016 and 12.05.2016 passed by the trial court.

On 12.05.2016, the trial court on account of the adjournment sought by the petitioner for leading evidence imposed a cost of Rs.3,000/-. On 31.05.2016, the petitioner did not, despite an opportunity, pay the cost as per the last direction. He was, however, ready to lead his evidence. As cost was not paid, the trial court held that no defendant evidence could be led in the matter and the right of the defendant to lead evidence was closed in view of the fact that on 12.05.2016 a final opportunity had been granted to the petitioner to lead evidence.

In my opinion, the present petition to the extent that it seeks waiver of the cost is completely misconceived. There is no reason to modify the said order.

At this stage, in view of the present order being passed by this court, the petitioner submits that he would pay the necessary cost. He however prays that he may be permitted to lead evidence. He also states that the final arguments have not been made on 22.07.2016 as has been directed. Petitioner also submits that an advance copy of the present petition has been sent through courier to the advocate appearing for the respondent. He also submits that he had informed the said counsel today that the matter is listed in court. Despite service, none is present for the respondent.

In view of the circumstances, the petitioner, after payment of cost, is permitted to move an application for review of the order dated 31.05.2016 seeking an opportunity to lead evidence. In case such an application is moved, the trial court may consider the same as per law.

With the above observations, the present petition stands disposed off.

Copy of the order be given dasti under the signatures of the Court Master to the petitioner.

JAYANT NATH, J

AUGUST 16, 2016
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