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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ C.R.P. 134/2016
SOUMYA SHANTA PUROHIT Petitioner
Through Mr.Tanmaya, proxy counsel
versus

SWADESH SHARMA Respondent
Through Mr.Anand Maheshwari, Adv.

CORAM:
HON'BLE MR. JUSTICE JAYANT NATH

ORDER
15.09.2016

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1. By the present petition the petitioner seeks to impugn the order dated 30.07.2016 by which order the application filed by the petitioner/defendant under section 151 CPC praying for an opportunity to lead defence evidence was dismissed.
2. The plaintiff/respondent has filed the present suit for recovery of Rs.19,00,518/-. On 28.3.2016 the matter was fixed for Petitioner's Evidence when an adjournment was prayed stating that the Transfer Petition is pending before the District Judge, Rohini Courts. The trial court noted that a similar submission had been made on behalf of the petitioner/defendant on the last date of hearing and declining any further opportunity closed the Petitioner's Evidence.
3. Thereafter the present application was moved under Section 151 CPC relying upon the judgment of the Supreme Court in *Salem Advocates Bar Association vs. UOI, (2005) 6 SCC 344*.
4. The trial court dismissed the said application noting that several

opportunities have been granted to the respondent and yet evidence has not been led.

5. Learned counsel appearing for the respondent has submitted that despite several opportunities and imposition of costs the petitioners have failed to lead evidence.

6. In the interest of justice, one final opportunity is granted to the petitioner subject to payment of costs of Rs.10,000/- to lead his evidence. It is made clear that on the date to be fixed by the trial court the petitioner shall ensure that his witnesses are present. No further opportunity shall be granted to the petitioner. In view of the above, the present petition stands disposed of. All pending applications, if any, also stand disposed of accordingly.

JAYANT NATH, J

SEPTEMBER 15, 2016

Later, learned counsel for the petitioner has appeared. He states that the matter is infructuous as the trial court has already passed a decree. This submission is taken on record.

JAYANT NATH, J

SEPTEMBER 15, 2016

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