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

+ C.R.P. 160/2016 & CM Nos.35433-35434/2016

KULDEEP SINGH

..... Petitioner

Through Mr.Tuhin Batra and Mr.Arun Vir
Singh, Advs.

versus

BHUPINDER SINGH & ORS

..... Respondent

Through

CORAM:

HON'BLE MR. JUSTICE JAYANT NATH

ORDER

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26.09.2016

CM Nos.35433-35434/2016 (Exemption)

Exemption allowed, subject to all just exceptions

C.R.P. 160/2016

1. An advance copy of the petition has been sent to the respondents by courier. None is present for the respondent.
2. By the present petition the petitioner seeks to impugn the order dated 12.07.2016 by which the application filed by the petitioner/defendant under section 151 CPC seeking recall of the order dated 30.09.2015 was dismissed. On 30.9.2015 the trial court had closed the petitioners/defendant's evidence. A perusal of the impugned order shows that the trial court noted that the plaintiff/respondent's evidence was closed on 14.5.2015. Thereafter the matter was fixed for defendant's evidence on 24.7.2015. As no witness was present on that date the matter was adjourned

to 30.9.2015. On that date again no witness of the petitioner was present. Accordingly, on the second call the evidence of the petitioner was closed.

3. As per the application filed by the petitioner under section 151 CPC it was urged that the counsel who was to appear was held up in the High Court because of a matter that was listed here. Subsequently, it is urged that there was heavy traffic in transit from High Court to Tis Hazari Courts and the counsel could reach the Court by 2 PM.

4. Learned counsel for the petitioner further submits that he would only like to examine the defendant and the witness stated in the list of witnesses, namely, the record clerk of North Delhi Municipal Corporation.

5. Keeping in view the circumstances explained, one final opportunity is granted to the petitioner to complete their evidence on a date to be fixed by the trial court subject to payment of costs of Rs.7,500/-.

6. 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 26, 2016

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