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

+ CM(M) 967/2015

M/S ICICI BANK LIMITED

..... Petitioner

Through Mr. Punit K. Bhalla and Ms. Chetna
Bhalla, Advocate

versus

NAGRAJ RAO CHAUHAN

..... Respondent

Through Mr.M.M.Kalra and Ms.Sonali Kumar,
Advocates.

CORAM:

HON'BLE MR. JUSTICE JAYANT NATH

ORDER

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18.10.2016

1. The present petition is filed under Article 227 of the Constitution of India seeking to impugn the order dated 07.10.2015 by which the trial court noted that a last and final opportunity has been given to the petitioner to examine DW1 from the concerned DSA. The trial court noted the request of the petitioner that the main counsel is down with dengue. But as the vakalatnama showed the names of eight other advocates representing the petitioner, the defendant's evidence/petitioners' evidence was closed.
2. Despite service none has appeared for the respondent.
3. In my opinion, merely because the vakalatnama contains the names of eight advocates would not imply that all the eight advocates would be conversant with the case in question. Solicitor Firms these days have large number of advocates working on different cases. Usually only one or two

advocates are familiar with the contents of the matter and would be conducting the matter on behalf of the client.

4. Accordingly, the impugned order suffers from manifest error which causes grave prejudice to the petitioner. The order is accordingly set aside. One last opportunity is granted to the petitioner to examine their witnesses.

5. Learned counsel for the petitioner submits that apart from DW1, he has to examine one more witness i.e. an officer of the Bank. Hence, the petitioner may lead the evidence of two witnesses. It is made clear that the petitioner will not request for an adjournment on the dates which are to be fixed by the trial court for his evidence.

6. The petition stands disposed of.

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

JAYANT NATH, J

OCTOBER 18, 2016

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