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

+ CM(M) 472/2017

RAKESH KUMAR & ANR

..... Petitioners

Through: Mr.Mahipal Singh, Advocate.

versus

KULVINDER SINGH & ANR

..... Respondents

Through: Mr.S.S.Chhillar, Advocate for R-1.

CORAM:

HON'BLE MS. JUSTICE PRATIBHA RANI

ORDER

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24.05.2017

CM(M) No. 472/2017

1. The petitioners have filed this petition under Article 227 of the Constitution of India for setting aside the impugned order dated 10.03.2017, whereby the right of the defendant no. 2 and 3 to lead defence evidence has been closed.

2. Learned counsel for the petitioner has placed on record copy of the proceedings before the learned Trial Court to satisfy the Court that defendant Nos.2 & 3 were regularly appearing before the learned Trial Court. It was only on 10th March, 2017 that defendant Nos. 2 & 3 could not appear and their counsel also failed to appear for the reasons explained before the learned Trial Court as well in this petition.

3. Learned counsel for the petitioner submits that the petitioners who are defendant Nos.2 & 3 have already filed their respective affidavits. Apart

from that, they need to examine the Notary Public and they shall be closing their defence evidence within two opportunities.

4. Learned counsel for the respondent No.1/plaintiff submits that he has no objection if the request of the petitioner is allowed to lead defence evidence, subject such terms and conditions as deemed fit by this Court.

5. In view of the no-objection given by learned counsel of the respondent, petitioners are given two opportunities to lead defence evidence on the date to be fixed by the learned Trial Court, subject to cost of ₹10,000/-.

6. It is made clear that before commencement of examination of defendant Nos.2 & 3 the cost shall be paid to the respondent No.1/plaintiff by the petitioners.

7. The petition stands allowed in the above terms.

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

PRATIBHA RANI, J.

MAY 24, 2017
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