

\$~25

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

+ CM(M) 418/2017

NEW NALANDA COOP GROUP HOUSING SOCIETY..... Petitioner
Through: Mr.Gaurav Gaur, Advocate.

versus

INDUS TOWERS LTD & ANR Respondents
Through: Mr.Rohit Jain, Advocate for R-1.
Mr.Sunil Satyarthi, Advocate for R-2
and R-3.

CORAM:
HON'BLE MS. JUSTICE PRATIBHA RANI

ORDER
26.05.2017

%

1. The petitioner (plaintiff in Civil Suit no.15/16) is aggrieved by the order dated 30th January, 2017 whereby plaintiff's evidence has been closed by the learned Trial Court. Challenge has also been laid to the order dated 8th March, 2017 whereby the application seeking review of the order dated 30th January, 2017 has been dismissed.
2. Learned counsel for the petitioner submits that son of the counsel had expired on 28th December, 2016 and date of hearing before the learned Trial Court was 30th January, 2017. The counsel being in the state of bereavement at that time, the necessary steps could not be taken for examination of plaintiff's evidence. Learned counsel for the petitioner prays for grant of one opportunity to the petitioner to lead evidence.
3. Learned counsel for the respondents submit that they have no objection if the petition is allowed without imposing any cost.

4. In view of the submissions made above, the petition is allowed. The petitioner is granted two opportunities to lead plaintiff's evidence.
5. Parties are directed to appear before the learned Trial Court on the date fixed which is stated to be 18th July, 2017. On the date fixed, the learned Trial Court may examine the plaintiff's witnesses or may fix a date for the said purpose.
6. Petition stands disposed of.
7. A copy of this order be sent to the learned Trial Court for information and compliance and be also given dasti to learned counsel for the parties, as prayed.

PRATIBHA RANI, J.

MAY 26, 2017

'st'