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

+ CM(M) 883/2017 and CM APPL.29561/2017 (stay)

PANKAJ BAJAJ

..... Petitioner

Through: Mr. Rakesh K. Khanna, Senior Advocate
with Mr. Vinod Kumar, Mr. Animesh, &
Ms. Mahima, Advocates

versus

MEENAKSHI SHARMA & ORS

..... Respondents

Through: Mr. Subodh Pathak, Advocate with Ms.
Manpreet Kaur, Advocate for R-1.
Mr. Karan Sharma, Advocate for R-2 to R-4
with SI Rajender Kumar, ASI, PS NFC.
Mr. SC Singhal, Advocate for R-5.

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

ORDER

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11.09.2017

Respondents have appeared through their respective counsel and submit they do not wish to file any formal reply.

Heard. Record has been perused.

The petitioner is the plaintiff of Civil Suit No.150/2017 wherein by order dated 11.08.2017 the opportunity for plaintiff evidence was closed by the Court of Additional District Judge-I, South-East District at Saket Court, New Delhi for the reason the request for further adjournment on his behalf was found to be neither reasonable nor justifiable.

The learned counsel for the respondents submit that they leave the matter to the discretion of the Court.

It appears that the parties are logged in more than one litigation. It does appear that there was possibility of compromise being explored. Given this backdrop, the petition is allowed, particularly in view of the submission made on behalf of the petitioner that he undertakes to co-operate with the trial Court for effective and expeditious progress of the trial, with assurance that there would be no request made for adjournment on his behalf, all efforts being made to produce the evidence on the date(s) fixed.

Given the delay that has occasioned on account of earlier neglect, the petition is allowed with costs of Rs.25,000/-, which shall be shared by the respondents.

The learned trial Court shall fix a date convenient to its calendar, also taking on board submissions of the counsel for the parties in this respect, for giving to the plaintiff/petitioner renewed opportunity to adduce his evidence. Needless to add, the petitioner shall be bound by the undertaking given to co-operate with the learned trial Court and desist from seeking any adjournment.

The petition is allowed.

The petition along with accompanying application stand disposed of in above terms.

Copy of the order be given *Dasti* to all sides.

R.K.GAUBA, J.

SEPTEMBER 11, 2017

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