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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CM(M) No.931/2017, CM No.31194/2017 (for stay), CM No.35435/2017 (under Section 151 CPC) and CM No.35436/2017 (for exemption).

BHARAT BHUSHAN Petitioner

Through: Mr. Aditya Dewan and Mr. Varun Agarwal, Advs.

versus

DOROTHY JOHN Respondent

Through: None.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

% **25.09.2017**

1. This order is in continuation of the earlier order dated 29th August, 2017.
2. The counsel for the petitioner / plaintiff states that the cost imposed on 29th August, 2017 has been deposited and proof has been furnished to the Court Master.
3. The Court Master confirms.
4. The petitioner / plaintiff under the cover of CM No.35435/2017 has filed copies of order sheet of the suit.
5. A perusal thereof shows that 26th July, 2017, when the evidence of the petitioner / plaintiff was closed, was the fifth adjournment sought by the petitioner / plaintiff for leading evidence in the suit.
6. The counsel for the petitioner / plaintiff, on being asked to give justification thereof, states that the petitioner / plaintiff has filed list of six witnesses and would drop three witnesses and besides the two witnesses already examined, will examine only one witness besides the formal

witnesses.

7. It is also stated that the suit can be made time bound.

8. That is no justification for taking as many as five adjournments for leading plaintiff's evidence. The suit is ten years old and, in accordance with the Guidelines of the National Court Management Systems Committee of the Supreme Court and the State Court Management System Committee of this Court is to be disposed of on or before 31st December, 2017 and compliance of such Guidelines is not possible if this Court, in exercise of its supervisory powers, continues to grant indulgence after indulgence in the name of 'interest of justice' or 'one more opportunity' or 'last opportunity'. Moreover, the suit from which this petition arises is for specific performance of Agreement of Sale of immovable property and in which the plaintiff in any case is required to be ready and willing throughout, not only till the date of decree but subsequent thereto also, till payments and other acts if any required to be done in accordance with the decree. Such conduct of the petitioner / plaintiff, of taking as many as five adjournments, belies the readiness and willingness.

9. Even otherwise, in law, five adjournments are more than enough and it cannot be said that there is any error or perversity in the order of the Additional District Judge closing the evidence of the petitioner / plaintiff.

10. There is no merit in the petition.

Dismissed.

No costs.

RAJIV SAHAI ENDLAW, J

SEPTEMBER 25, 2017

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