

S-16.

IN THE HIGH COURT OF DELHI AT NEW DELHI
CM(M) 1093/2017
INDIAN BANK

..... Petitioner

Through: Mr. Brijesh Kumar Tamber, Adv.
versus

NATIONAL SEEDS CORPORATION LTD

..... Respondent

Through: Mr. Yashvardhan and Ms. K.
Agnihotri, Advs.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

% 12.10.2017

1. This order is in continuation of the earlier order dated 27th September, 2017.
2. Notice ordered to be issued to the respondent / plaintiff is reported to have been served and the counsel for the respondent / plaintiff appears.
3. The counsel for the respondent / plaintiff states that the impugned order closing the evidence of the petitioner / defendant is justified.
4. I have also in order dated 27th September, 2017 observed so but nevertheless issued notice of the petition only for the reason of the petitioner / defendant being a Public Sector Bank and the respondent / plaintiff also being a Public Sector Undertaking.
5. For the aforesaid reasons, it has been enquired from the counsel for the petitioner / defendant as to how many witnesses the petitioner / defendant has to examine.

CM(M) 1093/2017

page 1 of 3

4

6. The counsel for the petitioner / defendant states that three witnesses have to be examined and on further enquiry states that no list of witnesses has been filed.

7. I have perused the issues framed in the suit and the same do not entitle the petitioner / defendant to examine three witnesses, particularly when the counsel for the petitioner / defendant today is unable to even state why three witnesses need to be examined.

8. On enquiry, it is informed that the next date in the suit is 28th October, 2017.

9. Subject to the conditions:-

- (i) that the petitioner / defendant files affidavit by way of examination-in-chief with advance copy thereof personally delivered to the counsel for the respondent / plaintiff on or before 24th October, 2017;
- (ii) the petitioner / defendant producing the said witness at his own responsibility before the learned Additional District Judge on 28th October, 2017 and on any other date to which the recording of evidence of the said witness may be adjourned; and,
- (iii) the petitioner / defendant pays costs of Rs.25,000/- to the counsel for the respondent / plaintiff on or before 24th October, 2017.

the petitioner / defendant is permitted to lead evidence of only one witness in the suit.

10. It is however made clear that if there is any default in complying with any of the aforesaid conditions, no further opportunity shall be given and the

petitioner / defendant shall not be entitled to any latitude.

12. The petition is disposed of.

13. The costs to be paid by the petitioner / defendant Bank.

RAJIV SAHAI ENDLAW, J

OCTOBER 12, 2017

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CM(M) 1093/2017

page 3 of 3