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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CM(M) 326/2018, CM APPL.10791/2018
B N SHARMA

..... Petitioner

Through: Mr.Naresh Khanna, Advocate.

versus

M/S PURAN CHAND & CO & ORS

..... Respondents

Through: Mr.Tara Chand Gupta, Advocate.

CORAM:
HON'BLE MR. JUSTICE YOGESH KHANNA

ORDER

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27.11.2018

This petition challenges the order dated 28.11.2017 whereby an application under Section 151 CPC filed on behalf of the petitioner along with the photocopies of some documents to be sent to CFSL was dismissed on the ground of delay.

I have peruse the impugned order. Admittedly the issues are framed in August 2007 and the plaintiff's evidence having been started in November 2007. The application under Section 151 CPC was moved in the year 2017 i.e., after ten years of the start of the plaintiff's evidence and hence was rightly rejected.

The only plea raised by the learned counsel for the petitioner is that his evidence was being going on and hence there would be no prejudice to the respondent if such application was allowed. I do not agree with the submissions since this would give a right to every such litigant to restart the evidence after lingering it for 10 years, hence no

cogent ground to interfere in the impugned order. The petition and pending application thus stands disposed of.

At this stage the learned counsel for the petitioner says the petitioner is 90 years old and is bed ridden hence, the cost so imposed may be reduced. The cost as imposed stands reduced to Rs.3,000/-.

YOGESH KHANNA, J.

NOVEMBER 27, 2018

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