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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CM(M) 1421/2018, CM APPL.48623-48624/2018
GAURAV ENTERPRISES

..... Petitioner
Through: Mr.Tarkeshwar Nath, Mr.Saurabh
Kumar Tuteja and Mr.Rishabh
Kumar, Advocates.

versus

GURU GOVIND SINGH GOVT HOSPITAL & ANR

..... Respondents
Through: Ms.Metu Arora Sethi, Advocate.

CORAM:
HON'BLE MR. JUSTICE YOGESH KHANNA

ORDER

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26.11.2018

This petition challenges the order dated 07.09.2018 passed by learned Trial Court whereby the evidence of the petitioner was closed and also the application for restoration was dismissed with costs of Rs.5,000/-. The impugned order notes the petitioner has failed to lead the evidence on 04.06.2016, 31.01.2017, 24.05.2017 and none appeared on 13.09.2017.

The petitioner has filed the civil suit against the respondents for recovery of Rs.97.78 lacs and learned counsel for the petitioner submits that he will conclude the evidence of the petitioner before the learned Trial Court if only one opportunity is granted to him.

The learned counsel for the respondents appeared on advance notice and argued the matter. She submits petitioner has also failed to pay the costs of Rs.5,000/- and in case this Court is inclined to accommodate the petitioner, heavy costs should be imposed upon the

petitioner.

Considering the amount involved in the suit it would be appropriate if the petitioner is granted only one opportunity to conclude the evidence of petitioner before the learned Trial Court, subject to further cost of Rs.25,000/- payable to the respondents.

List before the learned Trial Court on 06.12.2018, the date already fixed. It is made clear there shall be no further adjournment for evidence of petitioner on any count. Needless to state payment of entire costs to the respondent shall be a precondition for recording of the evidence for the petitioner.

The petition is disposed of in above terms. The pending applications also disposed of. Copy of order be given *dasti* to both the parties under signatures of the Court Master.

The Registry shall communicate the copy of this order to the learned Trial Court for information and compliance henceforth.

YOGESH KHANNA, J.

NOVEMBER 26, 2018

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