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

+ **W.P.(C) 1858/2019 & CM No.8714/2019**

CHHAYA GAUR Petitioner

Through: Ms.Shweta Kapoor, Adv.

versus

PUNJAB NATIONAL BANK Respondent

Through: Mr.S.N.Relan, Adv. for R-1.

CORAM:

HON'BLE MR. JUSTICE VIPIN SANGHI

HON'BLE MS. JUSTICE REKHA PALLI

ORDER

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12.03.2019

The petitioner has placed on record the order dated 26.06.2018 passed by the learned DRT whereby the right of the petitioner/defendant no.4 to file its evidence was closed. The submission of the learned counsel for the petitioner is that the earlier counsel representing defendant no.4/petitioner, who is the guarantor and not the principal borrower, kept the petitioner in dark about his right to file the evidence being closed. Only when the petitioner learnt of the said order, he rushed to file the affidavit by way of evidence on 12.09.2018 along with Misc. Appeal No.592/2018, which was dismissed by the learned DRT. She submits that the affidavit of the petitioner's evidence is already on record of the DRT and she needs just one date to exhibit the documents. Learned counsel submits that the petitioner undertakes not to seek or cause any

adjournment before the learned DRT.

Learned counsel for the respondent, who appears on advance notice, submits that his application is coming up before the DRT for final arguments on 18.03.2019.

In the aforesaid circumstances, we deem it appropriate to grant one opportunity to the petitioner in order to avoid any later grievance in this regard. We direct the petitioner to exhibit the documents as already filed with her affidavit before the learned DRT on 15.03.2019 by way of one final opportunity. The petitioner's affidavit of evidence will be duly considered by the DRT at the time of final hearing.

It is made clear that no further adjournment shall be granted before the DRT. We have also taken the petitioner's undertaking on record that she shall not seek or cause any adjournment on the next date of hearing before the DRT which is fixed on 18.03.2019. The aforesaid liberty is granted subject to payment of costs of Rs.20,000/- to the respondent/bank. Costs be paid to the respondent on 15.03.2019 before the DRT.

The petition is disposed of along with the pending application.

DASTI.

VIPIN SANGHI, J

REKHA PALLI, J

MARCH 12, 2019

gm