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IN THE HIGH COURT OF DELHI AT NEW DELHI

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CM(M) 1461/2018 & CM APPL No.50176/2018

M/S INDRAPRASTHA LOGISTICS PVT LTD

..... Petitioner

Through : Mr.Chandan Malik, Ms.Sakshi Kalia,
Advocates.

versus

THE NEW INDIA ASSURANCE CO LTD

..... Respondent

Through : Mr.D.D.Singh, Mr.Navdeep Singh,
Advocates.

CORAM:

HON'BLE MR. JUSTICE YOGESH KHANNA

ORDER

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23.05.2019

This petition challenges the order dated 21.08.2018 whereby the petitioner's evidence was closed. The review application was filed which was also dismissed on 25.10.2018. It is the submission of the learned counsel for the petitioner, the affidavit of the PW1 was filed on 18.05.2016 and the matter was listed for evidence on 31.01.2018. when the authorised representative of the petitioner could not appear as his daughter's marriage was fixed on 04.02.2018. On the next date i.e., 09.05.2018, the lawyers were on strike and the matter was adjourned to 21.08.2018. On 21.08.2018 due to the absence of the authorised representative, the petitioner's evidence was closed. The learned counsel for the respondent says the impugned order is justified since various opportunities were granted to the petitioner but the cross-examination could not be completed due to absence of

authorised representative of petitioner. Considering the nature of the suit being of recovery of Rs.16,00,000/-, one more opportunity is granted to the plaintiff to produce its witness subject to a cost of Rs.10,000/- be paid to the learned counsel for the respondent on the date to be fixed by the learned Trial Court.

In view of the above the petition stands disposed of. Pending application if any, also stands disposed of.

YOGESH KHANNA, J.

MAY 23, 2019

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