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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CM(M) 1406/2019 & CM APPLs. 42447/2019, 42449/2019**
WESTEND GREEN FARMS SOCIETY Petitioner

Through: Mr. Sumit Gehlawat & Mr. Abhishek
Bhardawaj, Advocates (M-
9717777388)

versus

VIRENDER YADAV Respondent
Through: Mr. Ajit Singh, Advocate (M-
9990525091)

CORAM:
JUSTICE PRATHIBA M. SINGH

ORDER
% **27.02.2020**

In this case, a suit for recovery was filed by Petitioner herein/Plaintiff - Westend Green Farms Society (*hereinafter 'Plaintiff'*) for alleged recovery of some dues against the Respondent. Vide order dated 2nd August, 2019, the Trial Court dismissed an application seeking recall of order dated 22nd January, 2018 – in effect closing the right of the Plaintiff to lead evidence in the matter. The ld. counsel for the Plaintiff submits that the Plaintiff is a Residents Welfare Society and the witness who was to appear had retired and is more than 77 years old. Thus, he could not appear on the date fixed before the Trial Court.

Ld. counsel for the Respondent has entered appearance. Considering the fact that the Plaintiff is a Residents Welfare Society and the Plaintiff's witness – Col. M.L. Madan could not be present as he is retired from the service, opportunity is granted to the Plaintiff to lead evidence subject to

payment of Rs.10,000/- as costs to the Respondent. On the date fixed by the Trial Court, the Plaintiff shall ensure that the witness appears and the evidence is duly recorded. The evidence of PW-1 shall be concluded within a period of two sessions. Thereafter, the evidence of the Respondent shall be recorded in accordance with law.

With these observations, petition is disposed of. The costs shall be paid on or before the next date before the Trial Court. All pending applications are also disposed of.

PRATHIBA M. SINGH, J

FEBRUARY 27, 2020

Rahul