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

% Judgment delivered on: 04.01.2023

+ CM(M) 777/2019 & CM APPL. 23703/2019

NEERU BHALLA

..... Petitioner

versus

B R GAMBHIR & ORS.

..... Respondents

Advocates who appeared in this case:

For the Petitioner : Mr. Counsel (Appearance not given).

For the Respondents : Mr. Rahul Dubey and Ms. Ananya Jain,
Advocates.

CORAM:

HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

JUDGMENT

TUSHAR RAO GEDELA, J. (ORAL)

[The proceeding has been conducted through Hybrid mode]

1. Petitioner challenges the order dated 15.04.2019 passed by the learned Trial Court, whereby the opportunity to conduct the petitioner's evidence was closed on the ground that on a number of previous occasions, the petitioner had not commenced recording of evidence.
2. Mr. Rahul Dubey, learned counsel appearing for respondents, who has also filed a counter claim before the learned Trial Court, has submitted that the counter claim is also getting delayed because of the conduct of the plaintiff.
3. This Court is of the firm opinion that the case pending before the learned Trial Courts should be decided on merits and not get delayed on

technical issues.

4. In view of the above as well as the consent of both the counsels on instructions, this Court deems it fit to provide one opportunity to the petitioner to lead her evidence, subject to a cost of Rs. 15,000/- to be paid on or before 31.01.2023 to the respondents.

5. Subject to such cost being paid to the respondent, the learned Trial Court is directed to provide an opportunity to the petitioner to lead her evidence in accordance with law.

6. The cost, as imposed and noted in the impugned order shall also be paid on or before 16.02.2023, in addition to the cost imposed by this Court.

7. In view of the above, the petition along with pending application stands disposed of.

TUSHAR RAO GEDELA, J .

JANUARY 4, 2023/nd