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

+ CRL.M.C. 1161/2024

JAYANTI MEDHI BARUAH

.....Petitioner

Through: Mr. Shafiullah & Ms.
Simran, Advocates.

versus

YASH PAL GUPTA

.....Respondent

Through: Mr. Rambhakt Aggarwal,
Advocate.

CORAM:

HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER

18.07.2024

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1. From a bare perusal of record, it is apparent that the petitioner had not been diligent in pursuing the proceedings before the learned Trial Court.
2. However, it cannot be denied that the matter was listed for defence evidence which was closed on account of non-appearance of the petitioner before the learned Trial Court on 20.10.2022.
3. Non-bailable warrants were also issued against the petitioner.
4. Admittedly, the petitioner is suffering from Parkinsons Disease. After order dated 20.10.2022, the petitioner moved an application for permission to lead defence evidence which was dismissed by the learned Trial Court *vide* order dated 29.03.2023.
5. The revision petition challenging the said order was also dismissed by the learned Revisional Court by order dated 20.12.2023.
6. Thereafter, the petitioner filed the present petition in the month of February, 2024.



7. The learned counsel for the respondent submits that the complaint was filed way back in the year 2016 and the petitioner has been delaying the matter since then.

8. The learned Revisional Court had dismissed the revision petition on the ground that the same was not maintainable since the order closing the defence evidence is an interlocutory order.

9. The Petitioner's right to lead defence evidence was closed by the learned Trial Court noting that the exemption was granted to the petitioner and the witnesses were allowed to be brought by the learned counsel for the petitioner, however, no witness was present on 20.10.2022 when the matter was called out.

10. This Court finds no infirmity in the orders passed by the learned Trial Court or the learned Revisional Court. However, considering that the petitioner has taken steps to remedy the mistakes after her right to lead defence evidence was closed and she has undertaken before this Court to produce the witnesses on any date that may be fixed by this Court, I am of the opinion that a balance can be struck by allowing the petitioner to lead defence evidence and imposing a compensatory cost of ₹30,000/- on the petitioner.

11. The petitioner is permitted to lead defence evidence, subject to payment of cost of ₹30,000/- to the respondent, within a period of four weeks from date. The matter is listed before the learned Trial Court on 27.08.2024.

12. The learned counsel for the petitioner submits that only two witnesses are to be examined and both of them would be brought before the learned Trial Court on the said date.

13. He submits that in future also no unwarranted adjournments will be taken and all efforts would be made to get the proceedings disposed of expeditiously.



14. The learned Trial Court is also requested not to grant unwarranted adjournments and to make efforts to examine both the witnesses that may be brought by the petitioner on the said date.

15. In view of the above, the present petition is allowed.

16. A copy of this order be sent to the learned Trial Court.

AMIT MAHAJAN, J

JULY 18, 2024

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