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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CM(M) 1478/2022, CM APPL. 56568/2022 (Stay)
M/S JAISWAL AND ASSOCIATES

.....Petitioner
Through: Mr. Atul Singh and Mr.
Himanshu Dagar, Advocates.

versus

M/S BANSAL SALES CORPORATION PVT LTD
.....Respondent
Through: Mr. Abhishek Aggarwal,
Advocate.

CORAM:
HON'BLE MR. JUSTICE RAVINDER DUDEJA

ORDER
% **11.11.2024**

1. The present petition impugns the order dated 18.11.2022 passed in CS 7626/2016.
2. Petitioner herein is the defendant in Civil Suit filed by the petitioner against him for the recovery of Rs. 46,255/-.
3. The impugned order reveals that on a previous date, last opportunity was granted to the petitioner to lead Defendants Evidence [“DE”] subject to cost of Rs. 20,000/-, to be deposited in DLSA, East, However, petitioner neither led the DE nor deposited the cost as per directions and therefore the right to lead DE was closed.
4. Learned counsel of petitioner submits that petitioner is more than 85 years of age, suffering from various old age ailments due to



which he could not lead DE.

5. Petition has been opposed by the learned counsel appearing for the respondent submitting that petitioner availed several adjournments for leading DE but not a single witness was examined during the long period of four years. Court ultimately granted last opportunity for DE subject to cost of Rs. 20,000/-.

6. During submissions, the learned counsel for the petitioner undertakes that if granted opportunity, he would conclude his evidence in one hearing. However, he has prayed for reduction of the fine amount.

7. Bearing in mind that the suit is for recovery of Rs. 46,255/- and only one opportunity has been prayed for leading the DE, in the interest of justice, the impugned order dated 18.11.2022 is set aside with directions to the petitioner to examine all his witnesses on a single date granted by the trial court subject to deposit of cost of Rs. 10,000/- in DLSA, East within one week. It is made clear that no further adjournment shall be granted by the learned trial court on account of any reason whatsoever.

8. Petition accordingly stands disposed of.

RAVINDER DUDEJA, J.

NOVEMBER 11, 2024 /sky