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

+ CM(M) 3411/2024, CM APPL. 54574/2024 stay

SUDESH MEHTA

.....Petitioner

Through:

versus

INDERJEET SINGH

.....Respondent

Through: Mr. A.S. Kulshrestha and Mr. Lalit
Kumar, Advs.

CORAM:

HON'BLE MR. JUSTICE RAVINDER DUDEJA

ORDER

% **19.12.2024**

CM(M) 3411/2024 & CM APPL. 54574/2024 (stay)

1. The petition challenged the order dated 14.08.2024 passed by learned CCJ-Cum-ARC in CS SCJ No.609463/2016.
2. Petitioner has filed a suit for possession which is pending before the learned Trial Court. She is stated to be 90 years old and appointed Ms. Shabnam Mehra as her special attorney.
3. Vide impugned order dated 14.08.2024, the learned Trial Court closed the plaintiff's evidence.
4. The learned counsel for petitioner submits that the special attorney so appointed by petitioner is suffering from cancer and is undergoing chemotherapy due to which she could not appear before the court on 14.08.2024.



5. The learned counsel has drawn attention of the court to the medical record which reveals that the appointed attorney is a cancer patient and undergoing chemotherapy.

6. The learned Trial Court had taken note that plaintiff's evidence was pending for the last about 8 years and several adjournments were already taken for the said purpose.

7. During submissions, the learned counsel for respondent fairly states that he has no objection, in case, the petitioner is granted one more opportunity to lead plaintiff's evidence.

8. In view of the facts that the attorney is suffering from cancer and is undergoing chemotherapy, as also the concession granted by the respondent, in the interest of justice, the petition is allowed and the order dated 14.08.2024 is set aside with the direction to the learned Trial Court to grant opportunity to the petitioner to complete its evidence.

9. However, it is made clear that petitioner would not seek adjournment for any unjust reason and would made all endeavour to complete the evidence at the earliest.

RAVINDER DUDEJA, J

DECEMBER 19, 2024/sky