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

+ **CM(M) 3868/2024**

SUNDER MARKETING ASSOCIATES PVT. LTD.Petitioner

Through: **Mr. Harshit Jain & Mr. Rahul Kumar,**
Advs

versus

JAI DURGA BRICK AND TILES AND ANR.Respondents

Through: **Mr. Vikram Aggarwal, Adv.**

CORAM:

HON'BLE MR. JUSTICE RAVINDER DUDEJA

ORDER

% 02.12.2024

CM APPL. 67817/2024 (Exemption)

Allowed, subject to all just exceptions.

Application stands disposed of.

CM(M) 3868/2024 & CM APPL. 67816/2024 (Stay)

1. Petitioner challenges the impugned order dated 04.09.2024 passed by the Court of learned District Judge-04, North West District, Rohini Courts, Delhi in Civil Suit CS DJ 182/2018 by virtue of which the right of plaintiff to lead evidence was closed.
2. Petitioner is the plaintiff who filed the Suit for recovery before the learned Trial Court.
3. The learned Trial Court vide order dated 08.05.2024 closed the evidence of the petitioner.
4. Petitioner thereafter filed an application under Order XVIII Rule 17 r/w Section 151 CPC, but the said application was also dismissed.



5. After part submissions, learned counsel for the respondent submits that respondent has no objection, in case the petitioner is granted one more opportunity to lead evidence subject to cost.

6. In view of the concession given by the respondents, order dated 04.09.2024 is set aside with direction to the learned Trial Court to grant one more opportunity to the petitioner to lead evidence, subject to payment of cost of Rs. 15,000/-.

7. It is made clear that the present order has been passed without dealing with merits and contentions of the parties and only on the basis of the concession made by the respondents. It is further made clear that the petitioner shall not get any further opportunity for evidence for any reason whatsoever. The present petition is accordingly disposed of in terms of above order.

RAVINDER DUDEJA, J

DECEMBER 2, 2024

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