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IN THE HIGH COURT OF DELHI AT NEW DELHI

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CS(COMM) 1108/2016

M/S GM MODULAR PVT LTD

..... Plaintiff

Through: Mohd. Sajid Advocate

versus

PARBAT SINGH

..... Defendant

Through: Defendant is ex parte

CORAM:

**SH. PANKAJ GUPTA (DHJS), JOINT REGISTRAR
(JUDICIAL)**

ORDER

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31.05.2017

No witness of the plaintiff is present. Learned counsel for the plaintiff submits that the witness namely Mr. Jayantilal Otmal Jain is to appear as a witness in a matter in the court at Mumbai on 02.06.2017, therefore, the witness could not appear today and seeks an adjournment to lead evidence.

Perusal of the record reveals that on 10.05.2016, the plaintiff's two witnesses i.e. PW-2 and PW-3 were examined and examination of Mr. Jayantilal Otmal Jain was fixed for 12.08.2016. Since thereafter, the said witness has not appeared in the court for his deposition and all the times, an adjournment was sought by learned counsel for the plaintiff on the ground that the witness was not



available. Today also the witness has not appeared despite given the last opportunity. Therefore, I am of the opinion that the ground cited by learned counsel for the plaintiff for non appearance of the witness is not sustainable in law and is another attempt to delay the proceedings. However, in the interest of justice, one last opportunity is granted to the plaintiff to lead evidence subject to cost of Rs.20,000/- which shall be deposited with the Delhi High Court Legal Service Committee.

Relit for remaining ex parte evidence of the plaintiff on 27.07.2017.

SH. PANKAJ GUPTA (DHJS)
JOINT REGISTRAR (JUDICIAL)

MAY 31, 2017
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