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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CS(OS) 346/2016
SH AJIT GOGNA Plaintiff

Through: Plaintiff in person

Versus

SH JITENDER GOGNA & ORS Defendants

Through: D-1 in person
Mr. Sanjeev Sahay, Mr. Karan
Deep Singh & Ms. Bhavya
Anand, Advs. for D-2

CORAM:
**JOINT REGISTRAR (JUDICIAL) MS. PRIYA
MAHENDRA, (DHJS)**

ORDER

% **18.12.2023**
CS(OS) 346/2016

The matter is listed today for leading DE on behalf of the defendant no.1. It is stated by the plaintiff, who is present in person and learned counsel for the defendant no.2 that the defendant no.1 has again not complied the order dated 17.08.2023 and thus not taken requisite steps for leading remaining DE. They submit that it is intentionally done by the defendant no.1 as he is in possession of the suit property and therefore, stands to gain by prolonging the present matter. The same is denied by the defendant no.1, who is present in person. Further, it is stated that cost as imposed, vide order dated 17.08.2023 has also not been paid/deposited by defendant no.1.

Heard and record perused. Vide order dated 17.08.2023, the last and final opportunity was granted to the defendant no.1 to lead further DE and further to take



requisite steps for summoning the witness by filing requisite application within two weeks subject to cost of Rs.10,000/-, out of which Rs.5000/- to be paid to the plaintiff and Rs.5000/- to be paid to the defendant no.2 by the defendant no.1. However, till date, the defendant no.1 has neither paid the said cost nor taken requisite steps for leading DE. Even today, the defendant no.1 is not ready to pay the said cost. It be noted that vide order dated 17.08.2023, the last and final opportunity was granted to the defendant no.1 to take requisite steps for leading remaining DE by filing an application for summoning of witness. So, now in view of non-compliance of the order dated 17.08.2023, I find no ground to give further opportunity to the defendant no.1 to lead further DE.

So, the opportunity of defendant no.1 to lead further DE is ordered to be closed.

At this stage, learned counsel for the defendant no.2 has drawn my attention to order dated 31.01.2018 to contend that the Hon'ble Court directed the defendant no.1 to lead evidence first.

It is stated by learned counsel for the defendant no.2 that defendant no.2 does not wish to lead DE.

It is stated by the plaintiff that he may be given one opportunity to examine whether he has to lead any evidence in the present matter.

Accordingly, re-notify the matter for PE/further proceedings on **29.02.2024**. The plaintiff is directed to take requisite steps for leading PE expeditiously.

PRIYA MAHENDRA (DHJS)
JOINT REGISTRAR (JUDICIAL)



At 1.18 p.m.

At this stage, the matter has been taken up again as Mr. Sunil Lalwani, Adv. for plaintiff is present. He is made acquainted with the proceedings and the next date of hearing.

**PRIYA MAHENDRA (DHJS)
JOINT REGISTRAR (JUDICIAL)
DECEMBER 18, 2023/ab**

Click here to check corrigendum, if any