

IN THE HIGH COURT OF DELHI AT NEW DELHI

CM(M) 811/2014 and C.M.Nos.14530-14531/2014

MADHUBALA Petitioner

Through Mr.Guremeet Singh, Advocate.

versus

SUNIL KUMAR MALIK Respondent

Through

CORAM:

HON'BLE MR. JUSTICE VALMIKI J. MEHTA

O R D E R

04.09.2014

1. Learned counsel for the petitioner/defendant argues that only on the second opportunity itself, the right of the petitioner/defendant to lead evidence has been closed. Counsel for the petitioner/defendant states that the case being called out repeatedly by the trial court and no one appearing on behalf of the petitioner/defendant may be excused and which will not happen in future.

2. It is also argued that since in the suit there are valuable rights of the petitioner/defendant with respect to the property in question where the petitioner/defendant is residing, the impugned order will work

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grave hardship. It is argued that CPC is a handmaid of justice and any

delay in disposal of the suit can be compensated by allowing of costs, and therefore costs of Rs.10,000/- are offered to be paid to the respondent/plaintiff for setting aside of the impugned order dated 14.8.2014 closing the evidence.

3. In view of the arguments urged on behalf of the petitioner/defendant, let the petitioner/defendant offer a sum of Rs.10,000/- as costs to the respondent/plaintiff within four weeks from today.

4. List the matter before the trial court on the date fixed i.e 18.9.2014 along with a copy of the present order and on receipt of aforesaid costs by the respondent/plaintiff, the impugned order dated 14.8.2014 closing the right of the petitioner/defendant to lead evidence will be set aside with consent.

5. In case, costs are not accepted by the respondent/plaintiff, then

within a period of six weeks from today notices be issued in this petition to the respondent, on filing of process fee, by ordinary process as well as by registered AD post, returnable on 20th February,

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2015. In case, costs are not received by the respondent/plaintiff with consent, then there will be stay of the proceedings in the subject suit no. 133/2014 pending before the court of Sh.G.N.Pandey, ADJ, Karkardooma Courts, Delhi.

6. Counsel for the petitioner states that the petitioner will file a letter of authority of the petitioner containing her thumb impression in favour of the person who has signed the present petition on behalf of the petitioner within a period of four weeks from today. In view of this statement made on behalf of the petitioner, the office objection stands disposed of.

VALMIKI J. MEHTA, J

SEPTEMBER 04, 2014

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