

Radhey Shyam (SENIOR Citizen)

Vs.

Parmeshwari Dass Anr.

31.05.2023

Present: Mr. Mukesh Kumar Sharma, Ld. Counsel for the plaintiff
along with plaintiff in person.

Mr. Gaurav, Ld. Counsel for the defendant no. 1.

Ld. Counsel for the plaintiff has placed on record the order of the Hon'ble High Court of Delhi on 02.05.2023. In the said order sheet, it is stated as under:-

“16. In view of the aforesaid statement of the learned counsel, it is directed that, apart from Sh. A. A. Vetal (the tenant) and Sh. Chajjuram (the contractor) no other witness will be permitted to be examined by the petitioner / defendant no. 1.

17. Petitioner / Defendant no. 1 is directed to place on record the affidavit of evidence of both the witnesses within one week from today and the first witness will be examined by the learned Trial Court on 10.05.2023, subject to its convenience.

18. The petition along with pending application is disposed of in the above terms with no order as to costs.”

Ld. Counsel for the defendant has not complied with the order of Hon'ble High Court of Delhi on 02.05.2023. He has stated that he has given the advance copy of the evidence by way of affidavit of Sh. A. A Vetal to Ld. Counsel for the plaintiff, which is confirmed by the Ld. Counsel for the plaintiff, however, on perusal of the court record, the same is not found on record. Till date, no evidence by way of affidavit of either of the witness, namely, Sh. A. A. Vetal and Sh.

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Chajjuram is placed on record. As per the direction of the Hon'ble High Court of Delhi, the same was to be placed within 7 days of the order of the Hon'ble High Court of Delhi dated 02.05.2023 which has not been done in instant case.

Ld. Counsel for the defendant has sought on adjournment on the ground that the witness, Sh. A. A. Vitel is not available today owing to his hospitalization / health issues and he is yet to trace the address of another witness, namely, Sh. Chajjuram. He once again submits that this court has no right to curtail the valuable right of the defendant for a fair trial by bringing on record the evidences and therefore, the adjournment should be allowed and a longer date should be given so that he can comply with the order of the Hon'ble High Court of Delhi.

Per Contra, Ld. Counsel for the plaintiff submits that there is a deliberate non-compliance of the order dated 02.05.2023 of the Hon'ble High Court of Delhi and plaintiff being a senior citizen is also entitled to timely justice. He submits that justice delayed is justice denied.

Heard. Record Perused.

In the interest of justice, adjournment is allowed for today be put up for DE on **09.08.2023**.

Date is given at the convenience of both the parties.

Ld. Counsel for the defendant is directed to place on record of evidence by way of affidavit of both the witnesses within 15 days from today and advance copy of the evidence by way of

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affidavit of Sh. Chajjoram be sent to the Ld. Counsel for the plaintiff.

**Shivali Bansal
ADJ-03, Rohini Courts
North District, Delhi
31.05.2023**