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

% ***Date of Decision: 15th May, 2025***

+ **CM(M) 3788/2024 & CM APPL. 65446/2024 & CM APPL. 6954/2025
SUDHAKAR REDDY**

.....Petitioner

Through: Mr. Harsha Gollamudi with Mr.
Naman Sharma, Advocates.

versus

KAKARTHI @ AARTHI

.....Respondent

Through: Ms. Meena Mehtani Gupta, SC with
Ms. Vishakha, Advocates.

CORAM:

HON'BLE MR. JUSTICE MANOJ JAIN

J U D G M E N T (oral)

1. Petitioner is defending a suit for recovery of Rs. 4,50,000/- with interest.
2. The issues were framed by the learned Trial Court on 06.10.2023 and the matter was fixed for recording of plaintiff's evidence.
3. According to learned counsel for defendant, though, he had received the advance copy of affidavit of plaintiff, it was neither signed nor attested and, therefore, he sent request to his counter-part to provide him with a proper photocopy.
4. Learned counsel for respondent/plaintiff also submits that, initially, unsigned and unattested copy was supplied but after receiving such message, the copy was supplied to the learned counsel for the defendant.



5. Fact remains that on 09.02.2024, there was a request for adjournment from the side of the defendant and, though, the matter was adjourned, the defendant was burdened with cost of Rs. 5,000/-.

6. On the next fixed date i.e. 10.05.2024, noticing that the cost had not been paid, the right of the defendant to cross examine the plaintiff was closed. So much so, after closure of plaintiff's evidence, the case was straightway fixed for final arguments. Impliedly, even the right of the defendant to lead his evidence in affirmative was abruptly snatched away.

7. Such order is under challenge.

8. During course of the arguments, learned counsel for petitioner/defendant submitted that he would clear the cost of Rs. 5,000/- within one week from today. He, however, reiterates that the cost should not have been imposed as the adjournment had been sought for the reason that a proper copy of the affidavit had yet not been supplied to him.

9. Be that as it may, after hearing learned counsel for both the sides and in order to ensure that there is no further delay in the matter, the petition is disposed of with direction that on the next fixed date before the learned Trial Court, the plaintiff i.e. PW-1- *Kakarathi @ Aarathi* shall appear before the learned Trial Court and the defendant would ensure that she is duly cross-examined same day itself.

10. This would, however, be subject to the convenience and Board position of the learned Trial Court. All in all, the defendant would be entitled to only one effective opportunity in this regard.

11. Thereafter, learned Trial Court would also give opportunity to defendant to lead his evidence.

12. This Court expects that there would also be complete assistance and



cooperation to the learned Trial Court from the side of defendant. In case, it comes across any further incident of non-cooperation from the side of defendant, it would be at liberty to pass appropriate order against the defendant.

13. Petition stands disposed of in aforesaid terms.
14. Pending applications, also stands disposed of in aforesaid terms.

(MANOJ JAIN)
JUDGE

MAY 15, 2025/sw/SS