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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CS(OS) 2822/2011, O.A. 45/2020 & I.A. 9379/2020**

SONIA BAWA SIPRA

..... Plaintiff

Through: Mr. Vijay K. Gupta, Adv.

versus

BOBBY BAHL

..... Defendant

Through: Ms. Ripu Adlakha, Adv.

CORAM:

HON'BLE MR. JUSTICE V. KAMESWAR RAO

ORDER

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11.11.2020

This matter is being heard through video-conferencing.

I.A. 9379/2020

1. This is an application filed by the plaintiff seeking condonation of 19 days delay in filing the chamber appeal being O.A. 45/2020. I have heard the learned counsel for the parties on the chamber appeal as well as on this application.
2. For the reasons stated in the application, the same is allowed and the delay of 19 days in filing the chamber appeal is condoned.
3. Application is disposed of.

O.A. 45/2020

4. This chamber appeal has been filed by the plaintiff challenging the order of the learned Joint Registrar dated August 24, 2020 whereby the learned Joint Registrar has closed the opportunity of the plaintiff to lead

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evidence.

5. It is the submission of Mr. Vijay K. Gupta, learned counsel appearing for the plaintiff / appellant that one opportunity be granted to the plaintiff for producing her evidence, i.e., herself and two summoned witnesses. He also states that if the witnesses are not produced on the given date, the evidence of that witnesses be treated as closed.

6. Even though Ms.Adlakha, learned counsel appearing for the defendant opposes the appeal by drawing my attention to order dated January 30, 2020 wherein the learned Joint Registrar had directed that the affidavit of evidence along with list of witnesses be filed within two weeks positively, failing which opportunity shall be deemed to be closed and that two weeks having expired in the month of February 2020, the learned Joint Registrar has rightly passed the order dated August 24, 2020.

7. Having heard the learned counsel for the parties and in the interest of justice, this Court is of the view that one last opportunity should be granted to the plaintiff to produce evidence subject to cost of Rs.1 Lac along with cost of Rs.10,000/- already imposed on January 30, 2020 is paid to the defendant.

8. To enable the plaintiff to file list of witnesses and pay the cost to the defendant, I deem it appropriate to list this matter before Joint Registrar on November 20, 2020 on which date the learned Joint Registrar shall ensure that the cost has been paid to the defendant and the list of witnesses has been filed. If the cost is not paid on the said date then the evidence of the plaintiff shall be deemed to have been closed.

9. Thereafter, the learned Joint Registrar ensure the filing of evidence by way of affidavit of the plaintiff and shall issue summons for the appearance

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of the summoned witnesses for the date convenient to him but should not be beyond a period of 15 days on which date the witnesses (including plaintiff) shall be present for recording of their evidence / cross examination by the counsel for the defendant. If any of the witness (s) is not present, the evidence of that witness shall be closed.

10. The order dated August 24, 2020 is set aside.

11. The chamber appeal is disposed of.

V. KAMESWAR RAO, J

NOVEMBER 11, 2020/aky

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