

TS 22/12

31.08.2023

Both the sides are duly represented.

Defendant side has filed petition No. 1326/23 stating that DW.1 is present for cross examination.

Accordingly, DW.1 is cross examined and discharged.

Vide the same petition, the defendant side has also stated that due to illness, the remaining witnesses has failed to appear before the court for filing of their evidence in chief.

The plaintiff side objected on the aforesaid prayer stating that already a considerable time has lapsed due to the failure of the defendant side to adduce their evidence since long. Hence, it is prayed to reject the said prayer.

I have heard both the sides and for the ends of justice, I deem it fit to give an opportunity to the defendant side to adduce their evidence for proper adjudication of the matter.

However, keeping in view that it is an old pending case dating back to the year 2012, the prayer of the defendant side is allowed with a strict direction to submit the evidence in chief of the remaining witnesses positively on the next date fixed failing which the matter shall proceed in accordance with law.

Fixing 29/09/2023 for further DW evidence.