

Haryana Chess Association (Regd.) Vs. Kuldeep Sharma & Ors.
CS No. 183/2016

29.4.2016

Case has been received from the Delhi High Court by way of Transfer vide order of the Ld. District & Sessions Judge (Central) dated 11.4.2016. It be checked and registered as per rules.

Present: None for the plaintiff.

Defendant no. 1 in person.

Defendant no. 1 who is present in person submits that his previous counsel is no longer defending him. He also admits that he is unable to afford a new counsel.

At this stage, Sh. Ajay Atri, Advocate who is present in the court, has offered to assist the defendant no. 1 pro-bono.

On request, be awaited.

(Dr. Kamini Lau)
ADJ-02, Central/29.4.2016

2:45 PM

Present: Sh. Dinkar Kumar, Advocate for the plaintiff.

Sh. Ajay Atri, Advocate for Defendant No. 1 (Vakalatnama filed).

None for the other defendants.

Vide order dated 21.5.2015 on request of the Ld. Counsel for the plaintiff, the Delhi High Court had granted adjournment subject to cost of **Rs. 10,000/-** to be deposited in the Delhi High Court Legal Services Committee. The affidavit of evidence was directed to be filed by the plaintiff within eight weeks with advance copy to the counsel for defendant. Neither

the cost has been deposited nor any affidavit of evidence filed by the plaintiff. Under these circumstances, there is a request by the defendant no. 1 for closing the evidence of the plaintiff. In terms of the provisions of **Order XVII CPC**, as adjournments more than three have been granted to the parties, I am not inclined to entertain any request for further adjournment and that too when the plaintiff despite opportunity granted to them by the court, have failed to file their list of witnesses or deposit the cost as imposed upon them on 21.5.2015 or file their affidavit of evidence and secure presence of their witnesses. The board of the court cannot be burdened with non serious and casual litigations. Evidence of the plaintiff is closed. Defendant no. 1 submits that he has nothing to say as the plaintiff has himself failed to lead any evidence. In so far as the defendant no. 3 to 5 are concerned since case was at the stage of plaintiff's evidence hence no adverse orders are being passed. Case be listed for defendant's evidence on **3.6.2016**. Affidavit of evidence be filed by the defendant by 27.5.2016 with advance copy to the counsel for the plaintiff.

(Dr. Kamini Lau)
ADJ-02, Central/29.4.2016