

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

09.07.2016

File is taken up today in terms of the notification of Delhi High Court bearing No. 1078/G-4/Genl./DHC dated 06.07.2016 as 07.07.2016 was declared as Holiday.

Present: Sh. Bimlesh Kumar Advocate for the plaintiff.

Sh. Ajay Atri Advocate for the defendant no.1 and 2 along with the defendant no.1 in person.

None for other defendants.

Written memorandum of arguments filed on behalf of the defendant no.1 and 2. Ld. Counsel for the plaintiff submits that he does not wish to file any written memorandum of arguments. Heard oral arguments on behalf of the defendants.

On request of the counsel for the plaintiff, be awaited for 4:00 PM.

(Dr. Kamini Lau)  
ADJ-II(Central)/ 09.07.2016

4:00 PM

Present: Sh. Bimlesh Kumar Advocate for the plaintiff.

Sh. Ajay Atri Advocate for the defendant no.1 and 2 along with the defendant no.1 in person.

None for other defendants.

An application has been filed by the Ld. Counsel for the plaintiff seeking an adjournment on the ground that the plaintiff could not lead its evidence and is required to approach the higher courts for which

he has also applied for obtaining the certified copies. Ld. Counsel for the defendants has very vehemently opposed this request on the ground of malafidies. He submits that the case is being deliberately delayed only to harass the defendant no.1 who is a sport person and comes from Bhiwani, Haryana on every date. He submits that repeated directions of the Ld. Predecessor Courts/ Delhi High Court of depositing costs, have not been complied with till date. He has raised the issues with regard to the maintainability of the present suit on the ground of the territorial jurisdiction and also on the ground of legal status of the plaintiff to file the present suit, their registration having been cancelled. Ld. Counsel for the defendants no. 1 and 2 has pointed out in the arguments that another litigation i.e. Suit No. 515/ 2008 has been filed by the defendant no.2 against the plaintiff before the civil court at Bhiwani which is pending trial. He further submits that the grounds raised in the application of the plaintiff to move Delhi High Court and applying of certified copy is false as no receipt showing that the certified copy has been applied for, has been filed.

On the other hand, Ld. Counsel for the plaintiff admits the closure of evidence of the plaintiff in April, 2016 but submits that he has now applied for obtaining the certified copies of the documents on 02.07.2016 and can file the receipt of the same.

I have considered the rival contentions. No doubt, the concerns of the defendants are valid and there has been sufficient delay as even noted by the Delhi High Court vide order dated 21.05.2015 when a cost of Rs.10,000/- was imposed upon the plaintiff to be deposited in the DLSA and eight weeks time was granted to the plaintiff to file the affidavit of evidence, which directions have not been complied with till

date. It was for this reason that the evidence of the plaintiff was closed on 29.04.2016 after which the defendant has lead his evidence on which date the plaintiff, it seems, did not deliberately appear in the Court.

Be that as it may, in the interest of justice and on request of the Ld. Counsel for the plaintiff, two weeks time is granted to the plaintiff to enable them to avail all judicial remedies which is subject to further cost of **Rs.5,000/-** (Rupees Five Thousand only) which on request of the Ld. Counsel for the defendants shall be given to the defendant no.1 who is coming from Bhiwani on every date.

Case be listed for consideration/ arguments of the plaintiff on **22.07.2016.**

(Dr. Kamini Lau)  
ADJ-II(Central)/ 09.07.2016