

(2001) 01 DEL CK 0103

Delhi High Court

Case No: C.R. No. 756 of 1999 and C.M. No. 2747 of 1999

Virender Kumar Arora

APPELLANT

Vs

Auto Links Sales Corporation

RESPONDENT

Date of Decision: Jan. 18, 2001

Acts Referred:

- Civil Procedure Code, 1908 (CPC) - Order 13 Rule 2, Order 18 Rule 17

Hon'ble Judges: S.K. Mahajan, J

Bench: Single Bench

Advocate: Sunil Malhotra, for the Appellant; Ranjit Singh, for the Respondent

Judgement

S.K. Mahajan, J.

After the plaintiff had examined himself as a witness in the Trial Court and no other evidence was present, the Trial Court by order dated 19th February, 1999 closed the evidence of the plaintiff. Three after an application was made by the defendants under Order 13 Rule 2, CPC for permission to file certain documents. On this application being filed, the plaintiff also filed an application under Order 13 Rule 2 read with Order 18 Rule 17, CPC to file certain documents and for permission to the brother of the plaintiff being examined as witness in the case. The Trial Court by the impugned order dismissed both the applications. Today it is agreed between the parties that both the applications be allowed and permission be granted to the plaintiff to examine Mr. Udesb Kumar brother of the partner of the plaintiff as a witness in the case before defendant's evidence starts.

2. In view of the submissions made, I allow this revision petition and set aside the order dated 12th July, 1999 passed by the Trial Court and permits the parties to file documents and also permit the plaintiff to examine Mr. Udesb Kumar as a witness on behalf of the plaintiff. After the evidence of the plaintiff is recorded, the defendant may lead his evidence. With these observations, the petition stands disposed of.

3. Petition disposed of.