

IN THE HIGH COURT OF DELHI AT NEW DELHI**+ CM(M) No.983/2009**

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Date of decision: 25th September, 2009

JOGINDER PAL SHARMA AND ORS. Petitioners
Through : Mr. G.K. Sharma, Adv.

versus

VEERPAL AND ORS Respondents
Through : Ms. Manjeet Chawla, Adv.
for R – 3.

CORAM :-**THE HON'BLE MR. JUSTICE J.R. MIDHA**

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| 1. | Whether Reporters of Local papers may be allowed to see the Judgment? | NO |
| 2. | To be referred to the Reporter or not? | NO |
| 3. | Whether the judgment should be reported in the Digest? | NO |

JUDGMENT (Oral)

1. The learned counsel for the petitioners submit that the case is listed for final arguments before the learned Tribunal on 1st October, 2009. The learned counsel for the petitioners further submit that though he wants to examine ten witnesses but he gives up nine witnesses and would be satisfied if he is permitted to examine only one witness, namely, Sudarshna Sharma, mother of the deceased. The learned counsel for the petitioners further submit that affidavit by way of evidence of Sudarshna Sharma is ready with him. Copy of the said affidavit has been tendered to this Court which is taken on record. Copy of the same along with the exhibits is also tendered to learned counsel for the respondents. The learned counsel for the petitioners further

submit that he shall produce Smt. Sudarshna Sharma for cross-examination on 1st October, 2009 and that he shall not seek any adjournment on 1st October, 2009 and shall also submit the final arguments on that date.

2. The learned counsel for the respondents do not oppose the petition provided that the petitioner produces the witness, Sudarshna Sharma on 1st October, 2009 and does not seek adjournment on that date for final arguments.

3. With the consent of the parties, the petition is partially allowed and the learned Tribunal shall take the evidence of Sudarshan Sharma by way of an affidavit on record on 1st October, 2009 and shall endeavour to record the cross-examination and hear final arguments on that date.

4. If the petitioner fails to submit the affidavit of witness or fails to produce Sudarshna Sharma for cross-examination and fails to submit final arguments on 1st October, 2009, the petitioner would not be entitled to led the evidence of Sudarshna Sharma permitted by this order.

5. Copy of this order be sent to the learned Tribunal for compliance.

6. Copy of this order be given 'Dasti' to learned counsel for both the parties under signatures of Court Master.

SEPTEMBER 25, 2009
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J.R. MIDHA, J