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IN THE HIGH COURT OF DELHI AT NEW DELHI

Date of Order: January 12, 2010

+ CM(M)30/2010

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12.01.2010

Leela Ram & Anr.

...Petitioners

Through: Mr. Amarjeet Singh Sahani, Advocates

Versus

Mahinder Lal

...Respondents

Through: Nemo

JUSTICE SHIV NARAYAN DHINGRA

1. Whether reporters of local papers may be allowed to see the judgment?
2. To be referred to the reporter or not?
3. Whether judgment should be reported in Digest?

JUDGMENT

1. By this petition the petitioners have assailed the order dated 30th April, 2008 passed by learned trial court whereby the cross examination of RW-1 and RW-2 was closed as the counsel for the petitioner did not appear for cross examination of these two witnesses.

2. The learned trial court while closing the cross examination observed that even on earlier hearing, the witnesses were not cross examined by the counsel for the petitioner and cost was imposed. Again on the date fixed for cross examination, the counsel for the petitioner was not available and was stated to be busy in another District Court at Patiala House. The trial court turned down the request for adjournment and closed the cross examination of above witnesses.

3. I find that the impugned order passed by learned trial court is perfectly within jurisdiction. The witnesses cannot be made to run to the Court time and again because the counsel has no time for cross examination. The petition has no merits and is hereby dismissed.

January 12, 2010
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SHIV NARAYAN DHINGRA J