$~6 & 29

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

\+ CM(M) 1132/2017

NIRAJ SHARMA ..... Petitioner

Through: Mr. Samrat Nigam, Mr. Sudarshan Rajan, Mr. Arjun Gadhoke, Mr.Karanjot Singh, Md. Qamar Ali, Mr. Danish Ali, Advocates

versus

HARVINDER SINGH ..... Respondent

Through: Mr. Ujjawal Jha, Mr. T.D. Sharma, Advocates

\+ CM(M) 1261/2017

NIRAJ SHARMA ..... Petitioner

Through: Mr. Samrat Nigam, Mr. Sudarshan Rajan, Mr. Arjun Gadhoke, Mr.Karanjot Singh, Md. Qamar Ali, Mr. Danish Ali, Advocates

versus

HARVINDER SINGH ..... Respondent

Through: Mr. Ujjawal Jha, Mr. T.D. Sharma, Advocates

CORAM:
HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

% 08.11.2017

CAV No.956/2017 in CM(M) 1261/2017

1. The counsel for the caveator/respondent appears.

2. The caveat stands discharged.

CMs No.40115-40116/2017 in CM(M) 1261/2017 (both for exemption)

3. Allowed, subject to just exceptions.

4. The applications are disposed of.

Signature Not Verified
Digitally Signed
By:AMULYA

CM(M) No.1261/2017 & CM No.40114/2017 (for stay)
CM(M) No.1132/2017 & CM No.36853/2017 (for stay)

5. These petitions, both under Article 227 of the Constitution of India, arise from the same Suit being Suit No.8868/2016 titled Harvinder Singh vs. Madhuri Sharma of the Court of Additional District Judge, South East Dist., Saket Courts, Delhi.

6. CM(M) No.1132/2017 impugning the order dated 18th September, 2017 dismissing the application of the petitioner/defendant No.2 for allowing handwriting expert of the petitioner/plaintiff to take photographs of the documents on record and to examine the said handwriting expert, came up before this Court first on 13th October, 2017 when the counsel for the petitioner/defendant No.2 was found to be unprepared finding him to be young an opportunity was given to him and the matter posted to today.

7. Today, CM(M) No.1261/2017 impugning the order dated 28th October, 2017 refusing opportunity to the petitioner/defendant No.2 to examine the handwriting expert whose affidavit by way of examination-in-chief was presented was dismissed and the evidence of the petitioner/ defendant No.2 closed and the Suit posted for final arguments to 1st November, 2017.

8. On enquiry, both counsels state that part final arguments were heard on 1st November, 2017 and the Suit is listed for remaining final arguments for today.

9. In this view of the matter, it is not deemed appropriate to interfere with the hearing of final arguments in the Suit by entertaining these petitions

at this stage. It has been suggested that it will be open to the petitioner/ defendant No.2 to, in the appeal if any preferred from the final judgment in the Suit, in accordance with law, also challenge the orders impugned in these petitions including on the same grounds as urged in these petitions.

10. The counsel for the petitioner/defendant No.2 is agreeable thereto.

11. In this light of the matter, I refrain from observing anything further.

12. The petitions are disposed of with the liberty aforesaid.

RAJIV SAHAI ENDLAW, J

NOVEMBER 08, 2017
pk..