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

Date of Decision: March 10, 2015

+ **CRL.M.C. 675/2015 & CrI.M.A2589/2015**

M/S SUNBLOSSUM FLORALS LTD & ORS Petitioners
Through: Ms. Surbhi Sharma, Advocate

versus

NATIONAL HORTICULTURE BOARD Respondent
Through: Mr. Sanjeev Singh, Advocate

CORAM:
HON'BLE MR. JUSTICE SUNIL GAUR

% **JUDGMENT**
(ORAL)

In proceedings under Section 138 of *the Negotiable Instruments Act, 1881*, vide order of 9th February, 2015, petitioners' evidence has been closed as despite numerous opportunities, no evidence was led by petitioners. The cost imposed upon petitioner was enhanced by the revisional court to ₹3 lac vide order of 9th February, 2015.

While entertaining this petition, petitioners were directed to deposit the cost of ₹50,000/- with the Registrar General of this Court, which petitioners have done. Copy of affidavit of petitioners' witness- *Siddhartha Mukherjee* has been placed on record as *Annexure P-12* and it is submitted on behalf of petitioners that only evidence which is to be led on behalf of petitioners is of *Siddhartha Mukherjee* and his evidence by

way of affidavit is already on record as *Annexure P-12*.

Upon hearing and on perusal of the impugned orders and the affidavit of petitioners' witness-*Siddhartha Mukherjee*, I find that recording of petitioners' evidence is essential for the just decision of this case. Resultantly, impugned orders are hereby quashed and petitioners' witness- *Siddhartha Mukherjee* is permitted to step into the witness box before trial court on the date so fixed by the trial court and to depose in terms of aforesaid affidavit (*Annexure P-12*) and an opportunity to cross-examine this witness be provided by trial court.

Since the complaint in question is of more than a decade old, therefore, let trial court pre-pone the date of hearing and fix a date in the month of April, 2015 for cross-examination of petitioners' witness-*Siddhartha Mukherjee*. Respondent shall be entitled to cost of ₹50,000/-, which already stands deposited with the Registrar General of this Court.

Let parties appear before trial court on 24th March, 2015 for further proceedings in accordance with law.

With aforesaid directions, this petition and the applications are disposed of.

(SUNIL GAUR)
JUDGE

MARCH 10, 2015

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