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§-12 & 13

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

+ CM(M) 452/2015

HDFC BANK LTD & ANR

..... Petitioners

Through: Mr.Aviral Tiwari, Advocate proxy for
Mr.Rishabh Raj Jain, Advocate for
the petitioners.

versus

SANJIV KUMAR GUPTA

..... Respondent

Through: Mr.Lalit Kumar, Advocate with
Mr.P.K.Bagchi, A.R. of respondent.

AND

+ CM(M) 458/2015

HDFC BANK LTD & ANR

..... Petitioners

Through: Mr.Aviral Tiwari, Advocate proxy for
Mr.Rishabh Raj Jain, Advocate for
the petitioners.

versus

M/S SAMITECH ELECTRONICS PVT LTD

..... Respondent

Through: Mr.Lalit Kumar, Advocate with
Mr.P.K.Bagchi, A.R. of respondent.

CORAM:

HON'BLE MS. JUSTICE PRATIBHA RANI

ORDER

% **01.07.2015**

1. These two petitions have been preferred by the petitioner/HDFC Bank impugning the two identical orders dated April 06, 2015 passed in CS No.139/2014 and CS No.97/2014 by learned Trial Court.
2. The grievance of the petitioner/HDFC Bank is that on April 06, 2015 the matter was fixed for cross examination of PW-1 Mr.P.K.Bagchi who was present but since learned counsel for the defendant (petitioner herein) could not appear when the matter was called, the learned Trial Court was pleased to discharge the witness and close the plaintiff's evidence.

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3. Learned counsel for respondents submits that to cut short the controversy he has no objection if, subject to any condition deemed fit by this Court, the petitioner is given only one opportunity to cross-examine PW-1 Mr.P.K.Bagchi.

4. In view of the above submissions made by learned counsel for the respondents, both the petitions are allowed. The impugned orders dated April 06, 2015 are set aside. The petitioner is granted one opportunity to cross examine PW-1 Mr.P.K.Bagchi subject to payment of cost of ₹10,000/- (for both cases) to the respondents. The cost shall be payable to the respondents before commencing the cross examination of PW-1 Mr.P.K.Bagchi.

5. It is made clear that only one opportunity is given to the petitioner to cross-examine PW-1 Mr.P.K.Bagchi and no further opportunity shall be granted for this purpose on any ground whatsoever except if Presiding Officer happens to be on leave on that date, in that case, the matter shall be taken up on the next working day for cross examination of PW-1 Mr.P.K.Bagchi.

5. The parties are directed to appear before the learned Trial Court on July 13, 2015 on which date the learned Trial Court shall fix a date to the convenience of learned counsel for the parties for cross examination of PW-1 Mr.P.K.Bagchi.

6. With above directions, both the petitions are disposed of.

A copy of this be sent to learned Trial Court and also given *dasti* to learned counsel for the parties.


PRATIBHA RANI, J.