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

+ CM(M) 65/2015 & CM No.1300/2015

GURCHARAN SINGH & ANR Petitioners

Through: Mr.Ravinder Yadav and Ms.Arti
Anupriya, Adv.

versus

SARASWATI MISHRA & ORS Respondents

Through: Mr.Dinesh Garg and Ms.Rachna
Agrawal, Adv. for R-1

AND

+ CM(M) 66/2015 & CM No.1306/2015

SURESH KUMAR MANGLA & ANR Petitioners

Through: Mr.Ravinder Yadav, Adv.

versus

SARASWATI MISHRA & ORS Respondents

Through: Mr.Dinesh Garg and Ms.Rachna
Agrawal, Adv. for R-1
Mr.Jaideep Malik, Adv. for R-2A
Mr.Dikshant Bhardwaj, Adv. for R-6

AND

+ CM(M) 67/2015 & CM No.1308/2015

ARVIND AGGARWAL & ANR Petitioners

Through: Mr.Ravinder Yadav, Adv.

versus

SARASWATI MISHRA & ORS Respondents

Through: Mr.Dinesh Garg and Ms.Rachna
Agrawal, Adv. for R-1

AND

+ CM(M) 69/2015 & CM No.1315/2015

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PREM SHANKAR AGGARWAL & ANR Petitioners
Through: Mr.Ravinder Yadav, Adv.

versus

SARASWATI MISHRA & ORS Respondents
Through: Mr.Dinesh Garg and Ms.Rachna
Agrawal, Advs. for R-1

CORAM:

HON'BLE MS. JUSTICE PRATIBHA RANI

ORDER

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15.07.2015

1. By way of these petitions filed under Article 227 of the Constitution of India, petitioners have made the following prayers:-

- a) To summon the trial Court record and set aside the orders dated 19th November, 2014 and 8th December, 2014 passed by the learned Additional District Judge in CS Nos.73/2014, 26/2014, 27/2014 & 25/2014.
- b) To waive the costs imposed on petitioners in CS Nos.73/2014, 26/2014, 27/2014 & 25/2014.
- c) To allow the applications of petitioner to summon witnesses in CS Nos.73/2014, 26/2014, 27/2014 & 25/2014.

2. Sh.Dinesh Garg, learned counsel for the respondents submits that to cut short the matter and to avoid further delay in the trial, without even pressing for costs let the petitioners be given two opportunities only in a time bound manner and conclude their defence evidence and summon the witnesses to prove the documents in defence.

3. Learned counsel for the respondents has gone a step ahead submitting that in case the petitioners exhibit the copy of FIR, copy of Revenue Form (P-4) and certified copy of the bank statement pertaining to account No.10660 Syndicate Bank, G.B.Road Branch, Delhi-110006, the

respondents will have no objection to the mode of proof but with right to cross-examine the witness on these documents, for rest of the documents which are stated to be contained in police file pertaining to FIR No.103/2010 dated 20th April, 2010 under Section 448/34 IPC, the petitioners may summon the official witness from the concerned police station to produce that file.

4. Learned counsel for the petitioners submits that if the opportunity is given to the petitioners to lead evidence in the manner agreed by learned counsel for the respondent, every effort will be made by the petitioners to conclude the evidence by availing maximum two opportunities.

5. In view of the submissions made by the learned counsel for the parties, the petition is allowed with direction that for the purpose of enabling the petitioners to conclude DE, learned trial Court will not give more than two opportunities and that too within a span of maximum two months from the next date of hearing i.e. 21st July, 2015.

6. Learned counsel for the petitioners undertakes not to seek any adjournment before learned trial Court on the dates fixed for DE.

7. The petition stands allowed in above terms.

8. *Dasti.*


PRATIBHA RANI, J.

JULY 15, 2015

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