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

+ CM(M) 973/2015

SUSHIL GOEL

..... Petitioner

Through: Mr.Shiv Charan Garg, Advocate.

versus

NARENDER KUMAR GOEL

..... Respondent

Through: Mr.Rajiv Kanwar, Mr.R.K.Gupta and
Mr.J.P.Malviya, Advocates.

AND

+ CM(M) 984/2015 & CM APPL.No.24074/2015

SUSHIL GOEL

..... Petitioner

Through: Mr.Shiv Charan Garg, Advocate.

versus

NARENDER KUMAR GOEL

..... Respondent

Through: Mr.Rajiv Kanwar, Mr.R.K.Gupta and
Mr.J.P.Malviya, Advocates.

CORAM:

HON'BLE MS. JUSTICE PRATIBHA RANI

ORDER

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19.11.2015

CM(M) No.973/2015

CM(M) No.984/2015

1. The petitioner Sushil Goel is aggrieved by the order dated 04.06.2015 whereby the learned Trial Court has closed his right to cross examine the

CM(M) nos.973 & 984/2015

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witness namely Sh.Narender Kumar Goel as well as the order dated 23.07.2015 vide which the application seeking recalling the order dated 04.06.015 has been dismissed.

2. Mr.Shiv Charan Garg, Advocate for the petitioner submits that there are two cross suits i.e. Suit No.523/14/08 titled as Narender Kumar Goel vs. Sushil Goel filed by the respondent herein against the present petitioner and another Suit No.522/2014 titled as Sushil Goel vs. Narender Kumar Goel filed by the present petitioner and the respondent before this Court.

3. Mr.Shiv Charan Garg, Advocate for the petitioner submits that his prayer is limited to the extent that one opportunity may be granted to him to cross examine the respondent herein namely Narender Kumar Goel, who is plaintiff/PW-1 in Suit No.523/14/08 and defendant/DW-1 in Suit No.522/14, subject to the conditions deemed fit by this Court.

4. Mr.Rajiv Kanwar, Advocate for the respondent herein submits that to cut short the controversy, he has no objection if, subject to the condition deemed fit by this Court, the petitioner is given only one opportunity to cross examine the witness namely Narender Kumar Goel.

5. It is informed by the learned counsel for the parties that both the Civil Suits are listed before the learned Trial Court on 26th November, 2015 for final arguments.

6. In view of the above submissions made on behalf of the parties, one opportunity is given to the petitioner Sushil Goel to cross examine the witness namely Narender Kumar Goel, who is plaintiff/PW-1 in Suit No.523/14/08 and defendant/DW-1 in Suit No.522/14, subject to payment of cost of ₹ 20,000/- (for both the suits).

7. Parties are directed to appear in person before the learned Trial Court

on 26th November, 2015. The cost shall be paid by the petitioner herein on that date to the respondent herein before cross examination of witness namely Narender Kumar Goel is commenced by learned counsel for the petitioner herein.

12. It is made clear that no adjournment shall be given to the petitioner herein for the above purpose by the learned Trial Court. However, in case the Presiding Officer happens to be on leave on 26th November, 2015 the matter shall be listed on the next working day for the said purpose.

13. Both the petition stand allowed in above terms.

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

CM No.23526/2015 in CM(M) No.973/2015
CM No.24074/2015 in CM(M) No.984/2015

Dismissed as infructuous.


PRATIBHA RANI, J.

NOVEMBER 19, 2015

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