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

+ **CS(OS) 1575/1998**

TATA FINANCE LTD.

..... Plaintiff

Through: Mr. Sunil Dalal, Advocate

versus

CLASSIC MOTORS LTD.

C+

..... Defendant

Through: Mr. Sanjay Dua, Advocate for D1.
M/s Mudit Sharma & Tanmaya
Nirmal, Advocate for D-2.

CORAM:

HON'BLE MR. JUSTICE VIPIN SANGHI

ORDER

08.02.2016

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O.A. No. 359/2015

This chamber appeal is directed against the order dated 18.08.2015 whereby the right of the plaintiff to cross-examine D2W1 was closed by the learned Joint Registrar since the counsel for the plaintiff did not appear to cross-examine him even after passover. Learned counsel for the plaintiff submits that the said witness had been cross-examined by two earlier occasions i.e. on 08.11.2013 and 30.10.2014. He submits that on the said date i.e. 18.08.2015, counsel was genuinely in difficulty as he was on his legs before another court and for this reason, he could not reach the court of learned Joint Registrar at the appointed time.

In the aforesaid background, in my view, the right of the plaintiff should not have been closed to cross-examine the defendant witness D2W1 and another opportunity should have been granted to him subject to costs.

Accordingly, the appeal is allowed. The plaintiff is granted one last opportunity to conclude the cross-examination of D2W1 on one occasion subject to payment of Rs. 3,000/- as costs to the defendant. Costs be paid within two weeks.

The appeal stands disposed of.

CS(OS) No. 1575/1998

In view of the notification No.2718/DHC/Orgl. dated 25.11.2015, issued under Section 4 of the Delhi High Court (Amendment) Act, 2015 (Act 23 of 2015), at the request of the counsels for the parties, the present suit is transferred to the Court of the District Judge, Patiala House Courts, for further proceedings before the competent court on 03.05.2016, since defendant No. 2 is situated at Kasturba Gandhi Marg, New Delhi.

It is made clear that as both sides are duly represented today, no fresh notice for appearance shall be issued and the parties shall ensure their presence before the concerned Court on the aforesaid date.

VIPIN SANGHI, J

FEBRUARY 08, 2016

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