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

+ **FAO(OS) 68/2016 & CM 8355/2016**

SANJEEV SARIN

..... Appellant

Through : Mr Yakesh Anand

versus

RITA WADHWA & ANR

..... Respondents

Through : Mr S. K. Gandhi for R-1.
Mr Prateek Kumar for R-2.

CORAM:

HON'BLE MR. JUSTICE BADAR DURREZ AHMED

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

ORDER

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11.03.2016

This appeal is directed against the order dated 19.01.2016 passed by a learned Single Judge of this Court, whereby the right to further cross-examine DW1 has been closed. The impugned order records that the cross-examination of DW1 continued for about 40 hearings and almost 800 questions have been put to the said witness. On 18.11.2015, it was specifically indicated that only three dates would be given for completing the cross-examination. On the said three dates, further cross-examination was conducted, but the appellant did not conclude the same. A further opportunity was requested by the appellant/ plaintiff and that has been denied by the learned Single Judge by virtue of the impugned order.

Considering the fact that this is essentially a dispute between the plaintiff (brother) and the defendant No.1 (sister) and the fact that the cross-examination of the said sister (DW1) has continued from 18.05.2013 and spread over 40 different dates and also the

fact that almost 800 questions have already been put to the said witness, we do not see any infirmity in the order passed by the learned Single Judge in refusing to permit the appellant to further cross-examine DW1 and closing the same. We may also note that in the earlier order dated 18.11.2015, the appellant/ plaintiff was clearly warned that only three dates would be given for concluding the cross-examination and even that has not been taken heed of. The impression one gets is that the appellant/ plaintiff is out to harass the defendant No.1 and to prolong the cross-examination under one pretext or the other.

There is no merit in this appeal. The same is dismissed.

BADAR DURREZ AHMED, J

MARCH 11, 2016
SR

SANJEEV SACHDEVA, J