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

+ **FAO(OS) 92/2016**

SHIVRAJ GUPTA

..... Appellant

Through

Mr Vikas Dhawan, Adv. with Mr
Abhimanyu Mahajan & Mr S. Panda,
Advs.

versus

DESHRAJ GUPTA & ORS

..... Respondents

Through

Mr Manish Vashisht, Adv. with Mr
Amitabh Chaturvedi & Mr Sameer
Vashisht, Advs. for R-1.
Mr Manish Kumar, Adv. with Mr Piyush
Kaushik & Mr Mohit Arora, Advs. for
R-2 to R-6.
Mr Dheeraj Gupta, Adv. for R-7.
Mr P.S. Bindra, Adv. with Ms Rishika
Arora, Adv. for R-8.

CORAM:

HON'BLE MR. JUSTICE BADAR DURREZ AHMED

HON'BLE MR. JUSTICE ASHUTOSH KUMAR

ORDER

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22.08.2016

This appeal is directed against the order dated 10.02.2016 passed by a learned single Judge of this Court whereby the learned single Judge has directed the cross examination by the defendant no.2 of defendant no.1. However, while doing so, he has also directed that the cross examination would be restricted only to the aspect of mesne profits. The learned counsel for the appellant/defendant no.2 submitted that although the learned single Judge has allowed cross examination of defendant no.1, the appellant is aggrieved by the fact that it is only a limited cross examination which has been allowed.

We have also heard the learned counsel for the respondents on the said aspect of the matter. After some discussion, it transpires that the parties are agreeable to the following modalities:

- i. Cross examination of the defendant no.1 by the defendant no.2 would not be limited to the aspect of mesne profits. However, the same would be subject to the limitations prescribed under Section 138 of the Indian Evidence Act, 1872 with regard to relevancy.
- ii. It is also agreed by the parties that the recording of cross examination would be done before the concerned Joint Registrar.
- iii. The manner of conducting the cross examination of all the defendants shall be the same as indicated above.

The parties shall appear before the concerned Joint Registrar on 05.09.2016 for this purpose.

The appeal stands disposed of.

BADAR DURREZ AHMED, J

ASHUTOSH KUMAR, J

AUGUST 22, 2016/ab