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

+ **CS(OS) 1487/2007**

ARUN KUMAR GUPTA

..... Plaintiff

Through: Plaintiff-in-person.

Versus

HT MEDIA LTD. AND ORS.

..... Defendants

Through: Mr. Madhur Dhingra and Mr. Nitin Raj, Advs. for D-1&7.
Mr. P.K. Dingra, Adv. for D-6.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

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20.10.2016

OA No.245/2015

1. This chamber appeal has been preferred by the plaintiff in this suit for injunction and recovery of Rs.1 crore as damages, impugning the observations made by the learned Joint Registrar, in the order dated 5th May, 2015, with respect to the demeanour of the plaintiff who was under cross-examination on that date.

2. The demeanour of the witness recorded at the time of recording of the evidence is to form part of the appreciation of evidence at the time of final decision of the suit. No purpose will be served in hearing this appeal and deciding the said aspect at this stage when the evidence of the plaintiff is not to be appreciated now.

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3. The appeal is thus disposed of with the observations that the explanation of the plaintiff in the memorandum of this chamber appeal shall be considered at the time of final hearing and it will be open to the plaintiff to address arguments on the said aspect at that stage.

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4. It is however found that the learned Joint Registrar, owing to the demeanour of the plaintiff as recorded on 5th May, 2015, discharged the plaintiff appearing as PW-1 and posted the matter on 26th November, 2015 for the remaining evidence of the plaintiff.

5. The suit thereafter vide order dated 26th November, 2015, in accordance with the Office Order dated 24th November, 2015 of Hon'ble the Chief Justice of this Court in pursuance to the powers conferred under Section 4 of the Delhi High Court (Amendment) Act, 2015, was transferred to the Court of the District Judge (South-East), Saket Courts Complex, New Delhi but wherefrom it was sent back to this Court for consideration of the chamber appeal aforesaid.

6. I have enquired from the counsel for the defendants No.1&7 who was cross-examining the plaintiff on 5th May, 2015, whether he desires to cross-examine the plaintiff appearing as PW-1 further.

7. He answers in the affirmative.

8. It is not understandable as to what will be the consequences of the order dated 5th May, 2015 of the Joint Registrar i.e. whether the testimony of the plaintiff as recorded till now is to be read in evidence or not, in view of his cross-examination having not been completed.

9. The counsel for the defendant No.6 who also appears states that after the cross-examination by the counsel for the defendants No.1&7, the defendant No.6 is to also cross-examine.

10. On enquiry, it is also informed that the defendants No.2 to 5 are also contesting the suit.

11. In the circumstances, though the plaintiff has not appealed against the order dated 5th May, 2015 to the extent it discharges him, it is directed that the learned Additional District Judge before whom the suit is now pending will first grant an opportunity for completion of the cross-examination of the plaintiff appearing as PW-1.

12. The parties to appear before Mr. Anil Antil, Additional District Judge (South-East), Saket Courts, New Delhi before whom the suit is now informed to be pending on 21st November, 2016, when the suit is stated to be listed next before him.

13. The Registry to immediately forward the file of the suit to that Court.

RAJIV SAHAI ENDLAW, J.

OCTOBER 20, 2016

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