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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**  
+ **CM(M) 351/2016**  
**KOTAK MAHINDRA BANK LTD**

..... Petitioner  
Through Mr.Punit K. Bhalla and Ms.Chetna  
Bhalla, Advocates.  
versus

**JOGINDER PAL DHALL**

..... Respondent  
Through Nemo.

**CORAM:**  
**HON'BLE MS. JUSTICE INDERMEET KAUR**

**ORDER**  
% **19.04.2016**

**C.M. No.13746/2016 (exemption)**

Exemption is allowed subject to just exceptions. Application disposed of.

**CM(M) 351/2016 & C.M. No.13745/2016 (stay)**

Petitioner is aggrieved by the order dated 02.3.2016 vide which his right to cross-examine PW-1 stood closed. Record shows that the present suit is a suit for damages filed by the plaintiff. Petitioner before this Court is the defendant in the Trial Court. Issues have been framed in this matter on 14.10.2015. On 08.12.2015 PW-1 examined in chief and his evidence by way of affidavit was furnished to the learned counsel for the petitioner on that date only and the next adjourned date was 27.01.2016 on which date PW-1 was not present. Matter was thereafter posted for 02.3.2016 when the impugned order

was passed. The impugned order was passed in the post lunch hour. A request for pass over and to keep the matter in the post lunch hour was made but the learned Trial Court did not accede to this request. A valuable right would be lost to the petitioner/defendant in case the PW-1 is not cross-examined by him. Accordingly, impugned order is set aside. PW-1 be cross-examined by the petitioner/defendant on the next date which is stated to be 03.5.2016. This order is passed subject to payment of Rs.3000/- as costs. Copy of this order be furnished to the learned counsel for the petitioner who shall inform the plaintiff/non-applicant before the next date of hearing in order that PW-1 is present in Court for his cross-examination.

Petition disposed of.

**INDERMEET KAUR, J**

**APRIL 19, 2016**

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