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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CM(M) 388/2016**
INDERJIT GANDHI & ANR

..... Petitioners

Through Mr. Deepak Khosla, Advocate.

versus

ATUL DEWAN & ANR

..... Respondents

Through Nemo.

CORAM:
HON'BLE MS. JUSTICE INDERMEET KAUR

ORDER
% **27.04.2016**

C.M. No.15126/2016 (exemption)

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

CM(M) 388/2016 & C.M. No.15125/2016 (stay)

Petitioner is aggrieved by the two orders i.e. the order dated 25.8.2015 and the subsequent order dated 11.9.2015. Vide order dated 25.8.2015 defendant evidence stood closed. Thereafter an application was filed seeking recall of that order. That application was also dismissed by the subsequent order.

Record shows that the present suit is a suit for cancellation of certain documents. The matter was posted first for the evidence of the defendant on 25.3.2014 on which date the matter was adjourned for defendant evidence for 23.7.2014; no witness was present on that date; matter was thereafter adjourned for 27.10.2014 on which date

the Presiding Officer was on leave; the matter as fixed for 02.2.2015 where again an adjournment was sought; the matter was again renotified for 11.5.2015; on 11.5.2015 since the lawyers were on strike, the matter was renotified for 25.8.2015 on which date the impugned order was passed. The order sheet as detailed in the application filed by the petitioner seeking a recall of the order dated 25.8.2015 do so a chequered history but keeping in view the submission of the learned counsel for the petitioner that a valuable right would be lost to the petitioner/defendant is not allowed to lead his evidence in defence and the further submission of the petitioner that only two witnesses are required to be produced in defence evidence, orders dated 25.8.2015 and 11.9.2015 are recalled. The petitioner is permitted to lead his evidence in defence. The evidence by way of affidavits of the aforementioned two witnesses shall be filed within a period of two weeks from today with advance copy to the plaintiff/respondent. On the next date both the witnesses shall be present in the Trial Court for their cross-examination. Trial Court shall not give unnecessary adjournment. This order is passed subject to payment of Rs.25,000/- as costs.

Petition disposed of.

Order dasti under signatures of the Court Master.

INDERMEET KAUR, J

APRIL 27, 2016

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