

\$~33

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

+ **CM (M) 361/2016**

NARESH KUMAR GUPTA Petitioner

Through: **Mr Surjeet Singh, Advocate**

versus

S.GURPREET SINGH & ANR Respondents

Through: **Mr Fateh Pal Singh, Advocate for
respondent No.1.**

**Mr. Sameer Nandwani & Mr. P
Acharya, Advocates for respondent
N.2.**

CORAM:

HON'BLE MR. JUSTICE SUNIL GAUR

ORDER

% 21.11.2016

1. Impugned order of 29th February, 2016 closes right of the appellant to cross-examine the witness of first respondent by noting that the appellant is unnecessarily delaying the proceedings.

2. Upon hearing and on perusal of the impugned order, I find that instead of closing the right to cross-examine the witness of first respondent, which is material in the facts and circumstances of this case, learned Tribunal ought to have granted one opportunity to cross examine subject to imposition of costs.

3. In the facts and circumstances of this case, impugned order of 29th February, 2016, to the extent that it closes the right of appellant to cross-

examine witness of first respondent is set aside and one effective opportunity is granted to appellant to cross-examine the witness of first respondent, subject to costs of ₹10,000/- to be paid to first respondent before his cross-examination begins on the date so fixed by the learned Trial Court.

4. With aforesaid directions, this petition is disposed of.
5. Copy of this order be given *dasti* to learned counsel for parties.

SUNIL GAUR, J

NOVEMBER 21, 2016
M