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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **C.R.P. 57/2016 & CM Nos. 14582/2016 & 14583/2016**
M/S MAHAAN PROTEINS LTD

..... Petitioner

Through: Ms Manisha Handa, Mr Neeraj Kumar &
Mr Mohit D. Ram, Advs.

versus

M/S OMNI PACK & ANR

..... Respondent

Through

CORAM:
HON'BLE MS. JUSTICE INDERMEET KAUR

ORDER

25.04.2016

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The petitioner is aggrieved by two orders i.e. order dated 10.02.2016 and the subsequent order dated 15.03.2016. The petitioner is the defendant in the trial court. The suit is a suit for recovery of money.

Vide the first impugned order the right of the petitioner to cross-examine PW1 stood closed. Vide the second impugned order, although permission has been granted to the defendant to lead evidence in defence, yet the court had noted that after the defendant evidence is concluded, the plaintiff will produce its remaining two witnesses.

This does appear to be strange. In the normal course of evidence it is the plaintiff who would first examine his witnesses and thereafter the defendant evidence would be led.

Both impugned orders are set aside. The petitioner/ defendant is granted opportunity to cross-examine PW1 on the next date of hearing,

which is stated to be on 26.04.2016 i.e. tomorrow. In case the witness is not present tomorrow, the court shall grant one adjournment for the said purpose. There is no quarrel on the prayer of the petitioner which has been granted to lead evidence in defence but that part of the order which states that after the conclusion of the defendant evidence the plaintiff would produce remaining two witnesses, is also set aside. The plaintiff evidence would be concluded, in the first instance, and thereafter permission would be granted to the defendant to lead evidence.

Orders are modified to the above extent. This order granting permission to the petitioner to cross-examine PW1 is made subject to payment of Rs. 10,000/- as cost.

Petition is disposed of.

Dasti under the signatures of the Court Master.

INDERMEET KAUR, J

APRIL 25, 2016

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