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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CM(M) 915/2012**
CHANDRA SHEKHAR BHARDWAJ

..... Petitioner

Through Petitioner in person.

versus

MAJ KR SURI

..... Respondent

Through Mr.Satyakam Saini, Advocate.

CORAM:
HON'BLE MS. JUSTICE INDERMEET KAUR

ORDER

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24.02.2016

Orders impugned before this Court are the two orders. The first order is dated 06.6.2012 and the second order is dated 28.7.2012. Vide the first order dated 06.6.2012 last opportunity was granted to the petitioner (defendant in the Trial Court) to cross-examine the plaintiff's witness (sole witness namely Naresh Suri who was impleaded on an application under Order XXII Rule 3 CPC after the death of the plaintiff; vide order dated 09.5.2011 which order has become final). The subsequent impugned order dated 28.7.2012 had recorded that in spite of sufficient opportunity having been granted to the defendant to cross-examine PW-1 this opportunity had not been availed of and the plea for an adjournment was rightly declined; the opportunity sought by the defendant to cross-examine the witness of the plaintiff thus stood closed.

This Court also notes that the petitioner is appearing in person.

The impugned order in no manner suffers from any infirmity. The Trial Court has noted that the matter was pending for cross-examination of the plaintiff since 25.02.2012. Even today before this Court, the defendant instead of impugning these orders is praying for the abatement of the suit; submission being argued that the suit has abated. Any such argument qua the abatement of the suit is a prayer, which the petitioner may press before the Trial Court.

Impugned order suffers from no infirmity. Petition dismissed.

Trial Court record be sent back.

INDERMEET KAUR, J

FEBRUARY 24, 2016/ndn