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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CM(M) 449/2016**
MIFTAHUDDIN & ORS

..... Petitioners

Through Mr. Anil K. Khaware and Mr.
Abhinav Mishra, Advs.

versus

SAIRA (WIDOW) & ORS

..... Respondents

Through Counsel for the respondents
(appearance not given)

CORAM:

HON'BLE MS. JUSTICE INDERMEET KAUR

ORDER

% **09.05.2016**

C.M. No.17341/2016 & C.M. No.17342/2016 (Exemption)

Exemption is allowed subject to just exceptions.

Applications disposed of.

CM(M) 449/2016 & C.M. No.17340/2016 & Cav No.388/2016

The petitioner is aggrieved by the order dated 02.05.2016 vide which right to lead his evidence stood closed. There were six witnesses which were cited in the Trial Court. Attention has been drawn to the list of witnesses. It is stated that Witness at serial No. 3 (i.e. Mohsin S/o Mirazuddin) is not necessary to be examined. He is accordingly deleted from the list of witnesses. Qua witnesses at serial Nos. 5 & 6 i.e. Mohd. Aslam S/o Mohd. Salim and Samiuddin S/o Haseenuddin, learned counsel for the petitioner submits that they will depose qua a sale transaction entered into by the landlord with the aforementioned two witnesses. Learned counsel for non-applicant-landlord on this point submits that the sale deeds entered into between the landlord and Mohd. Aslam as also the landlord and Haseenuddin have

already been exhibited in the testimony of PW-12 and the aforementioned witnesses have also been cross-examined. As such the witnesses at serial No. 5 & 6 have also become redundant. They are also deleted from the list of witnesses. The petitioner is granted opportunity to lead evidence qua the witnesses at serial Nos. 1, 2 & 4. This Court notes that witness at serial No. 4 is a summoned witness. Accordingly evidence by way of affidavit of witnesses at serial No. 1 & 2 shall be filed with a period of one week with advance copy to the learned counsel for the non-applicant/respondent who shall be ready for their cross-examination on the next date. PW-4 is also permitted to be summoned. Impugned order is modified to that extent.

This order is passed subject to payment of Rs.10,000/- as costs.

Petition disposed of.

Order be given dasti under signatures of the Court Master.

INDERMEET KAUR, J

MAY 09, 2016

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