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

+ CM(M) 515/2016

ROSE ANWAR SADIQ

..... Petitioner

Through

Mr.G.S.Thakur and Mr.Rahul Dev
Sharma, Advocates.

versus

STATE & ORS

..... Respondents

Through

Mr.A.Kumar and Mr. I. Majid,
Advocates for R-1.
Mr.Parminder Chauhan, Advocate for
R-2.

CORAM:

HON'BLE MS. JUSTICE INDERMEET KAUR

ORDER

% **24.05.2016**

C.M. Nos.20032-33/2016 (exemption)

Exemption is allowed subject to just exceptions. Applications disposed of.

CM(M) 515/2016 & C.M. No.20031/2016 (stay)

Petitioner is aggrieved by the two orders. The first order is dated 02.02.2016 vide which while adjourning the matter at the request of the petitioner for petitioner evidence (noting that no evidence on behalf of the petitioner has been present) a cost of Rs.25,000/- has been imposed upon the petitioner. This was pursuant to the objection raised by the respondent which had opposed this adjournment. The matter has been listed for another date i.e. 08.3.2016. The subsequent impugned order is dated 05.4.2016; on this date the application filed by the petitioner seeking a recall of the order imposing the cost of Rs.25,000/- had been dismissed and since again no evidence of the petitioner was present, the evidence of the

petitioner stood closed.

At this stage, after some arguments, learned counsel for the petitioner submits that she is confining his grievance only to the fact that petitioner's evidence stood closed and he prays for one opportunity to lead evidence on behalf of the petitioner as his valuable right would be lost and his case will become infructuous in case he is not permitted to led evidence.

Next date before the Trial Court is stated to be 26.5.2016. Learned counsel for the petitioner submits only one witness (i.e. the petitioner himself) is to be examined on behalf of the petitioner. Evidence by way of affidavit of the petitioner has already been filed. The same be taken on record. Advance copy has been furnished to the learned counsel for the respondent who shall appear before the Trial Court on 26.5.2016 to cross-examine PW-1.

This order is passed subject to payment of Rs.10,000/- as costs noting clearly that the earlier order imposing cost of Rs.25,000/- is not interfered with. The cumulative cost Rs.35,000/- shall be paid by the petitioner to the respondent when he appears before the Trial Court for cross-examination of PW-1.

Petition disposed of.

Order dasti under signatures of the Court Master.

INDERMEET KAUR, J

MAY 24, 2016/ndn