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

+ CM(M) 588/2016

KAMAL SUKHIJA Petitioner
Through Mr.Sunil Malhotra and Mr.Amit
Sanduja, Advocates

versus

RENU MEHANDRU Respondent
Through respondent in person

CORAM:

HON'BLE MR. JUSTICE JAYANT NATH

ORDER

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08.12.2016

1. By the present petition filed under Article 227 of the Constitution of India the petitioner seeks to impugn the order dated 28.4.2016 by which the right of the petitioner/defendant No.2 to lead evidence was closed.
2. Learned counsel appearing for the petitioner submits that the petitioner resides in Hyderabad and a common counsel was representing both the defendants/brothers. A separate counsel appeared for the petitioner on 28.4.2016 for the first time and requested to adjoin the case for the evidence of the petitioner as the brother of the petitioner namely defendant No.1 in the suit had settled the matter with the plaintiff. The trial court rejected the request and fixed the matter for final arguments. Learned counsel further submits that he will complete all his evidence within one day.
3. The respondent appearing in person has pointed out that the petitioners have taken sufficient opportunities earlier for leading the evidence and that is why the trial court has closed the right.

4. I am told that the matter is fixed before the trial court on 9.1.2017. In the interest of justice, subject to payment of costs of Rs.10,000/- to the respondent, one last opportunity is granted to the petitioner to lead his evidence. The evidence would be led on the next date if convenient for the trial court or on a date to be fixed by the trial court. No adjournment for leading evidence would be granted to the petitioner. Petition stands disposed of. All pending applications, if any, also stand disposed of.

JAYANT NATH, J

DECEMBER 08, 2016

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