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

+ CM(M) 684/2016

KARNATAKA STATE CRICKET ASSOCIATION..... Petitioner
Through Mr.Abhinav Vasisht, Sr.Adv. with
Mr.Raman Kumar, Adv.

versus

UNION OF INDIA AND ORS Respondent
Through Ms.Monika Arora, CGSC and
Mr.R.M.Tripathi, Govt.Pleader for R-1 to R-3/UOI
Mr.Rohan Swarup, Adv. for R-4
Mr.Amit Sibal, Sr.Adv. with Ms.Radha
Rangaswamy, Adv. for R-5

CORAM:
HON'BLE MR. JUSTICE JAYANT NATH

ORDER
27.09.2016

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By the present petition the petitioner seeks to impugn a portion of the impugned order dated 18.4.2016. On the last date of hearing on 20.7.2016 this court passed the following order:-

“ Learned senior counsel appearing for the petitioner submits that the impugned order dated 18.04.2016 has made some substantial changes in the earlier order passed by this High Court when the suit was pending before this Court on 14.12.2007. He specifically refers to the order dated 14.12.2007 passed by this court where an observation was made that the learned counsel for the plaintiff/respondent No.4 has no objection to the documents being taken on record and read in evidence. He also relies upon a direction in the said order which says that it has been agreed that the documents filed by the parties be read in evidence without formal proof. He also relies upon the order dated 14.12.2010

appointing a Local Commissioner. He submits that these orders have been given a go by.

Learned counsel for respondents No.1 to 3 and respondent No.5 have entered appearance.

Hence, issue notice to respondent No.4 through ordinary process and speed post. Dasti notice be also served through the counsel for respondent No.4.”

In addition to what is noted above regarding documents being read in evidence. Learned senior counsel for the petitioner and learned senior counsel for respondent No.5 submit that as per the agreement of the parties when earlier the Local Commissioner was recording evidence, the Local Commissioner also had powers to deal with objections on any questions that were put to the witness. The counsels have relied upon various cross-examinations which have been placed on record.

Learned counsel appearing for respondent No.4 has not been able to show anything contrary to the submissions being raised by the learned senior counsel for the petitioner and respondent No.5.

As per order dated 14.12.2007 when the matter was in the High Court the parties had agreed that the documents filed by the parties upto 20.12.2007 would be read in evidence without formal proof. Similarly, the parties had agreed about the objections to questions put to the witness as explained above.

Accordingly, the impugned order dated 18.4.2016 is modified as follows:-

- (i) Clause B7 is modified and the Commissioner will exhibit all such documents filed upto 20.12.2007. For documents filed after 14.12.2007, there will be no change in the directions given in the

order.

(ii) As far as Clauses 12 and 13 of the order is concerned it shall be open to the Local Commissioner to decide the objections raised by the parties during cross-examination/re-examination. However, it would be open to the Local Commissioner if he so feels it appropriate to leave the objections open for adjudication of the Court.

With the above modification in the order dated 18.4.2016 the present petition stands disposed of. All pending applications, if any, also stand disposed of accordingly.

JAYANT NATH, J

SEPTEMBER 27, 2016

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