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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CM(M) 1127/2014 & C.M.No.21327/2014 (stay)
ANIL KUMAR GOYAL

..... Petitioner

Through Mr. Satish Kumar, Adv.

versus

URMILA SHARMA & ORS.

..... Respondents

Through Mr. O.P. Aggarwal, Adv.

CORAM:
HON'BLE MS. JUSTICE INDERMEET KAUR

ORDER

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28.01.2016

Order impugned before this Court is the order dated 05.09.2014 vide which the application filed by the plaintiff seeking a review of the order dated 31.03.2014 had been dismissed. Vide order dated 31.03.2014 on the statement made by the plaintiff, the evidence of the plaintiff stood closed. On 31.03.2014, the plaintiff had appeared without his counsel; he had been examined, cross-examined and discharged. Learned counsel for the petitioner submits that due to inadvertence a statement had been made by the plaintiff (appearing in person) and without assistance of his counsel that the evidence of the plaintiff stood closed. This is especially so keeping in view the fact that the list of witnesses was already on record. The submission of the learned counsel for the petitioner is that a valuable right of the plaintiff would be lost in case he is not granted permission to examine three more witnesses. List of witnesses placed before the Trial Court

has been placed on record before this Court.

Needless to state that this prayer has been opposed. Learned counsel for the respondents submits that the defendants' evidence is in progress and if this prayer made in the present petition is allowed, it would amount to setting back the clock.

Noting the above submissions but also noting the fact that a valuable right of the plaintiff would be lost in case he is not granted permission to lead further evidence and also noting that on 30.04.2014 i.e. within less than one month, an application seeking review of order dated 31.03.2014 had been filed by the plaintiff, in the interest of justice, the plaintiff is granted permission to examine three witnesses which includes the summoned witness from the office of Sub-Registrar. The witnesses shall be produced by the plaintiff on his own responsibility. Affidavit by way of evidence of the private witnesses shall be filed in advance with advance copy to the learned counsel for the respondents. The witnesses shall be present in Court on the next date to be fixed by the Trial Judge for their cross-examination. This order is passed subject to payment of costs of Rs.5,000/-.

With these directions, petition disposed of.

INDERMEET KAUR, J

JANUARY 28, 2016

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