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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CM Nos.41971-41972/2016 in CM(M) 998/2016

PRADEEP JAIN Petitioner
Through Mr.Ratnesh Bansal, Advocate
versus
V D CHAUDHARY Respondent
Through

CORAM:
HON'BLE MR. JUSTICE JAYANT NATH

ORDER
% **11.11.2016**

CM No. 41972/2016

Exemption allowed, subject to all just exceptions.

CM Nos.41971/2016 in CM(M)998/2016

This is an application for modification of order dated 30.09.2016. It is prayed that the word 'one final' be removed from paragraph four of the order dated 30.09.2016. Paragraph four of the said order reads as follows:-

“4. A perusal of the record shows that the petitioner has been taking steps to summon the witnesses. He cannot be penalised. It would be in the interest of justice that one final opportunity is granted to the petitioner to summon the said witness or any other witness who has earlier not been summoned.”

Learned counsel appearing for the petitioner submits that he would not be taking any adjournments but he has to summon three witnesses and that it is possible that the examination/cross-examination of the three witnesses may not conclude on one date. Hence, he has moved the present application.

In my opinion, the application is misconceived, It is implicit in the phrase 'one final opportunity' that if the court is not able to record complete evidence of the present witnesses the matter has to spill over another date.

Application is accordingly disposed of.

JAYANT NATH, J

NOVEMBER 11, 2016/n