

\$~55

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

+ **CM(M) 1013/2016**

VIJAY KUMAR BEMBI

..... Petitioner

Through

Mr.Gopal Singh & Mr.R.Kothwal,
Advocates

versus

STATE AND ORS

..... Respondents

Through

Mr.Sachin Nahar, Advocate for R-
1/State
Mr.Deepak Khadaria & Mr.Ritik
Thakur, Advocates for R-2, 4 & 5

CORAM:

HON'BLE MR. JUSTICE JAYANT NATH

ORDER

%

03.10.2016

CM No. 36943-944/2016 (*exemption*)

Allowed subject to all just exceptions.

CM(M) 1013/2016

1. By the present petition, the petitioner seeks to impugn the order dated 30.08.2016 by which the evidence of the petitioner was closed.
2. The learned counsel appearing for the petitioner submits that on 30.05.2016 permission was granted to summon the concerned person from the office of Sub-Registrar, Seelampur, Delhi. He also submits that however, there was no direction for filing process fee and that is why the Sub-Registrar could not be summoned for 30.08.2016. He also submits that one opportunity may be given to the petitioner to summon the Sub-Registrar, Seelampur, Delhi.
3. The learned counsel appearing for respondents No.2, 4 and 5 has

vehemently opposed the present petition pointing out that the petitioner has been indulging in dilatory tactics for delaying the matter as he is in physical possession of the premises.

4. Keeping in view the averments of the learned counsel for the petitioner and also the fact that if he is not allowed to cross-examine the concerned Sub-Registrar, it will cause great prejudice to the petitioner, subject to payment of cost of Rs.5,000/-, the petitioner is allowed one last opportunity to lead evidence of the concerned person from the office of Sub-Registrar, Seelampur, Delhi on a date to be fixed by the trial court. Only one opportunity will be granted to the petitioner for the said purpose.

5. The learned counsel for the respondents submits that the matter is coming up on 04.10.2016 for the respondents' evidence and in order to avoid any delay in disposal of the matter, the petitioner should cross-examine respondent No.2 tomorrow inasmuch affidavit by way of evidence of the said respondent has already been placed on record.

6. The learned counsel for the petitioner submits that he has no objection to cross-examine respondent No.2 tomorrow. Let the cross-examination of respondent No.2 be conducted tomorrow.

7. For summoning of the concerned person from the office of Sub-Registrar, Seelampur, Delhi, the trial court may fix appropriate date.

8. In view of the above directions, the petition stands disposed of.

9. A copy of this order be given *dasti* under the signature of the court master to the parties.

JAYANT NATH, J.

OCTOBER 03, 2016/v