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

+ CM(M) 1153/2016 and CM Nos. 42333-34/2016

SURESH KUMAR AGGARWAL & ORS Petitioners
Through Mr.Shiv Charan Garg, Advocate

versus

VEER BALA AGGARWAL (DEC) THR LRS Respondent
Through Mr.Naresh K.Daksh, Advocate

CORAM:
HON'BLE MR. JUSTICE JAYANT NATH

ORDER

% **15.11.2016**

CM No. 42333/2016 (*exemption*)

Allowed subject to all just exceptions.

CM(M) 1153/2016 & CM No.42334/2016 (*stay*)

1. By the present petition filed under Article 227 of the Constitution of India, the petitioners seek to impugn the order dated 20.10.2016 passed by the trial court and seeking a direction for the trial court to ensure the presence of the officials from the Electricity Department and Land Acquisition Collector as witness for the petitioners.
2. Limited grievance of the petitioners is that they had moved an application under Order 16 Rule 12 CPC whereby they have sought warrant to be issued against the concerned officials of the Land Acquisition Collector and Electricity Department as despite service of summons none appeared as a witness.

3. In the application, it is urged that the Electricity Department was served on 02.05.2016 for appearance on 07.05.2016 and the Land Acquisition Collector was served on 06.05.2016 for appearance on 11.05.2016 but the witnesses did not appear.

4. The learned counsel for the petitioners submits that it is not the fault of the petitioners that despite the issue of summons, the witnesses who are the government officials did not appear before the court. He also submits that by the impugned order dated 20.10.2016 the trial court granted only one opportunity to summon the witnesses of Department of Archives. He further submits that this application has not been adjudicated upon by the trial court and before the evidence of the defendants is closed his application may be heard and disposed of.

5. The learned counsel for the respondent submits that the petitioners are deliberately filing one application after other to delay the proceeding and on the date of hearing before the trial court they do not press some of the applications.

6. Be that as it may, let the trial court for the time being first dispose of the application under Order 16 Rule 12 CPC filed by the petitioners on the next date of hearing.

7. With the above direction, the present petition and all the pending applications stand disposed of.

Dasti.

JAYANT NATH, J.

NOVEMBER 15, 2016/v