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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CM(M) 1061/2015 and CM APPL. 25119/2015 (stay)
SH.MUKESH KUMAR

..... Petitioner

Through Mr. L. S. Solanki and Ms. Anu
Solanki, Advocates

versus

SONU KUMAR BAWA

..... Respondent

Through None

CORAM:
HON'BLE MS. JUSTICE INDERMEET KAUR

ORDER

% **05.02.2016**

Petitioner is aggrieved by the order dated 22.09.2015 vide which his application seeking review of the earlier order dated 24.11.2014 stood dismissed.

Vide order dated 24.11.2014 the right of the petitioner to cross examine PW-1 stood closed.

Record shows that this is an eviction petition which has been filed by the Landlord against the petitioner / defendant. Leave to defend has been granted to the petitioner. Evidence was in progress and PW-1 has tendered his affidavit by way of evidence on 24.11.2014. This was the first date on which PW-1 had tendered his evidence. Although earlier order sheets reflected that the affidavit by way of evidence of PW-1 had been filed but PW-1 had not entered the witness box to tender his affidavit. Submission being (supported

by the record) that it was on this date itself that right to cross examine PW-1 stood closed.

In the interest of Justice and keeping in view the fact that valuable right of the petitioner would be lost in case he is not permitted to cross examine PW-1. Subject to payment of Rs. 15,000/- as cost the petitioner is granted permission to cross examine PW-1. Next date fixed before the Trial Court is 08.02.2016 on which date PW1 shall be present in Court for his cross examination.

Counsel for the petitioner undertakes to inform the respondent about this order which has been passed today as counsel for the respondent has not appeared; he is only represented through his clerk.

Petition disposed of.

Order dasti under signatures of Court Master.

INDERMEET KAUR, J

FEBRUARY 05, 2016

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