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

+ CM(M) 1185/2015 & CM No.29271/2015

REKHA SAWHNEY

..... Petitioner

Through

Mr.G.P.Thareja and Mr.C.P.Suri,
Advs.

versus

THE STATE & ORS

..... Respondent

Through

Mr.Saumitra Singhal, Adv. for R-2

CORAM:

HON'BLE MR. JUSTICE JAYANT NATH

ORDER

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27.09.2016

By the present petition the petitioner seeks to impugn the order dated 1.10.2015 by which the right of the petitioner/respondent No.3 to cross-examine PW-2 Shri K.K.Mittal was closed. A perusal of the impugned order shows that a adjournment was sought by the proxy counsel appearing for the respondents for cross-examination of the said witness in the afternoon on the same date. The trial court, however, noted that the witness is 93 years of age and has been waiting since morning. Keeping into account the age of the witness the cross-examination of the petitioner was dispensed with and the witness was discharged.

Learned counsel for the petitioner submits that the petitioner has earlier never taken adjournments. He submits that even on the above date the petitioner did not seek adjournment and only requested that the matter be kept after lunch as the counsel for the petitioner was held up in another court.

Keeping in view the averments of the petitioner, in the interest of justice, one last opportunity is granted to the petitioner to cross-examine PW-2 Shri K.K.Mittal. Only one day will be granted to the petitioner to cross-examine PW-2 on a date to be fixed by the trial court. This opportunity is granted to the petitioner subject to payment of cost of Rs.7,500/- to respondent No.2.

In view of the above, petition stands disposed of. All pending applications also stand disposed of accordingly.

JAYANT NATH, J

SEPTEMBER 27, 2016

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