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

+ CM(M) 1236/2015 and CM Nos. 30848/2015 (stay) & 4266-67/2016

D VIDYANANDAM Petitioner
Through Mr.Sunder Khatri, Advocate.

versus

CHANDER WATI & ORS Respondents
Through Mr.Naresh Kumar Beniwal, Advocate
with respondent No.2-in-person.

CORAM:
HON'BLE MR. JUSTICE JAYANT NATH

ORDER

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27.09.2016

1. By the present petition, the petitioner seeks to impugn the order dated 03.10.2015 by which an application filed under Section 151 CPC for recall of the order dated 22.08.2014 was dismissed declining an opportunity to cross-examine PW-1.
2. Learned counsel for the respondents has pointed out that the suit is filed for recovery of possession. The petitioner was inducted as a licensee being well known to the husband of respondent No.1. He submits that repeatedly dates are being taken in this matter on one pretext or the other. He has taken me through the order sheets which show that the evidence of PW-1 was filed on 30.01.2014. Thereafter, several dates have been taken and finally on 22.08.2014, the right of the petitioner to cross-examine PW-1 was closed.

3. Be that as it may, learned counsel for the respondents submits that subject to payment of heavy cost, he would not oppose the present petition in order to avoid any technicality in the disposal of the suit.

4. Learned counsel for the petitioner has submitted that apart from cross-examining PW-1, he has to examine only one defence witness, namely, the defendant.

5. Accordingly, the present petition is disposed of with the following directions:-

(i) The petitioner shall be granted only one opportunity to cross-examine PW-1 on the date to be fixed by the trial court.

(ii) The petitioner shall be granted only one hearing to lead the evidence of his own witness on the date to be fixed by the trial court.

(iii) The above order is passed subject to payment of costs of Rs.10,000/-.

JAYANT NATH, J

SEPTEMBER 27, 2016

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