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

+ CM(M) 263/2017

NANCY JETLY & ORS Petitioner

Through Mr.Rohit Puri,Advocate

versus

RAJAT BALI & ORS Respondent

Through Mr.Rajiv Bakshi, Advocate for R-1

CORAM:

HON'BLE MR. JUSTICE JAYANT NATH

ORDER

% **06.03.2017**

CM No.8869-8870/2017 (exemption)

Exemption allowed, subject to all just exceptions.

CM(M) 263/2017 & CM No.8868/2017 (stay)

By the present petition the petitioner seeks to impugn the order dated 9.12.2016 by which order the trial court rejected the contention of the petitioner that the witness D1W2 Shri Deepak Mandal cannot be examined by respondent No.1 in view of section 139 of the Indian Evidence Act.

A perusal of the impugned order would show that the trial court relied upon cross-examination of the same witness carried out on 11.8.2014 when the matter was pending before this court prior to transfer to the District Courts. In view of the same, the said application of the petitioner has been rejected.

I have heard learned counsel for the respondent No.1 and petitioner. After some arguments it is agreed that without prejudice to the rights and contentions of the parties, the petitioner may re-examine D1W2 as per law on a date to be fixed by the trial court for the said purpose.

The trial court may ensure that no dilatory tactics are adopted by any

of the parties. With these observations, the petition stands disposed of. All pending applications also stand disposed of.

Petitioner will summon the said witness for the said date.

A copy of this order be given Dasti under signatures of the court master.

JAYANT NATH, J

MARCH 06, 2017

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