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

+ CM(M) 343/2016 & CM No.13421/2016

JEET SINGH ARORA

..... Petitioner

Through Mr.Rajat Aneja & Ms.Shifa Nagar,
Advocates

versus

CHAMELI DEVI AND ORS

..... Respondents

Through Mr.Hari Kishan, Advo. for R-1 to R-5

CORAM:

HON'BLE MR. JUSTICE JAYANT NATH

ORDER

% **02.02.2017**

1. By the present petition filed under Article 227 of the Constitution of India, the petitioner seeks to challenge the order dated 19.02.2016 whereby the Commissioner, Workmen Compensation dismissed the application of the petitioner for deletion of his name and declined to grant opportunity to the petitioner to examine the witness.
2. Pursuant to an accident that took place on 26.04.2005 resulting into death of one Mr.Rakesh Kumar who is represented by respondent Nos.1 to 5, the present proceedings have been initiated under the Workmen Compensation Act claiming compensation of Rs.4,63,135/-.
3. The petitioner who claims that he is the son of the owner of the premises where the accident allegedly took place filed this application for being deleted from the array of the parties.
4. The concerned Commissioner, however dismissed the application

holding that the averments mentioned in the application require consideration which will be proved during the course of the evidence and argument. It was also held that the petitioner would have to lead his evidence and not by filing this application for discharge.

5. The learned counsel for respondent Nos.1 to 5 submits that there are no reasons to interfere with the order dismissing the application filed by the petitioner.

6. At this stage, the learned counsel for the petitioner seeks his right to cross-examine CW-1 which was closed by the Commissioner on 08.07.2005. He submits that on each occasion the representative was present. He submits that it is only on 08.07.2015 when he was not present and the impugned order was passed. This position is hardly disputed by respondent Nos.1 to 5. However, a perusal of the order sheets thus shows that the representative of the petitioner Sh.Mohinder Pal Singh was present in most hearings. Hence, in the interest of justice and subject to payment of cost of Rs.15,000/- a final opportunity is granted to the petitioner to cross-examine the concerned CW-1.

7. It is made clear that no adjournment would be taken by the petitioner on the date so fixed by the Commissioner for cross-examination of CW-1. The the learned counsel for the respondent shall ensure presence of the witness.

8. In view of the above, the present petition and all the pending applications stand disposed of.

JAYANT NATH, J.

FEBRUARY 02, 2017/v

