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

+ CM(M) 347/2017

SHANTI DEVI

..... Petitioner

Through Mr.M.Hashibuddin, Advocate

versus

NEM CHAND

..... Respondent

Through

CORAM:

HON'BLE MR. JUSTICE JAYANT NATH

ORDER

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29.03.2017

CM No.11882 /2017 (exemption)

Allowed subject to all just exceptions.

CM(M)347/2017 & CM No.11881/2017(stay)

By the present petition under Article 227 of the Constitution of India the petitioner seeks to impugn the order dated 27.2.2017 by which an application under Order 18 Rule 17 CPC for recalling of all the witnesses of the plaintiff/respondent for further cross-examination was dismissed.

The trial court has noted that an offer was made on the date when the application came up for hearing to the counsel for the petitioner that the plaintiff/respondent is present in person and that she may further cross-examine the said witness. However, the learned counsel appearing for the petitioner did not accept the said opportunity stating that she is not the main counsel. The trial court further noted that as per vakalatnama placed on record the said counsel had signed the vakalatnama. Accordingly, the trial

court came to the conclusion that the application under Order 18 Rule 17 CPC is a dilatory tactic to fill the lacunas in the case of the petitioner and dismissed the application.

I have heard learned counsel appearing for the petitioner. The only ground for having moved this application urged is that there were some serious lapses while cross-examining the witnesses of the respondent. In my opinion, this is hardly a ground to permit fresh cross-examination of the witnesses of the plaintiff. If this kind of applications are accepted, there would be no end to the proceedings. In fact what the petitioner seeks to do is to seek further cross-examination of PW-1 to PW-4. This is clearly a dilatory tactic.

There are no reasons to interfere in the impugned order. Petition is dismissed. All pending applications, if any, also stand disposed of accordingly

JAYANT NATH, J

MARCH 29, 2017

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