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

+ CM(M) 442/2017

PUSHPA DEVI

..... Petitioner

Through: Mr.I.S.Alag, Senior Advocate
instructed by Mr.Ashok Anand,
Advocate.

versus

LATE SH MAHARAJ KUMAR MEHTA & ANR
THR HIS LEGAL HEIRS

..... Respondents

Through: Mr.Jitender Singh, Mr.K.Prasad and
Mr.V.P.Singh, Advocates for R-1(a)
to R-1(e).

CORAM:

HON'BLE MS. JUSTICE PRATIBHA RANI

ORDER

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21.04.2017

CM No.15067/2017

1. Exemption allowed subject to all just exceptions.
2. Application is disposed of.

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1. The petitioner is aggrieved by the order dated 16th February, 2017 passed in CS No.211/2016 whereby the learned Trial Court was pleased to close the plaintiff's (petitioner herein) evidence.
2. Learned counsel as above appearing on behalf respondents No.1(a) to (e) accepts notice.
3. Heard learned counsel for the parties.

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4. Learned counsel for the respondents No.1(a) to (e) submits that he has no objection if only one opportunity is granted to the petitioner/plaintiff to examine PW-4 Col.S.K.Mehta subject to such conditions as deemed fit by this Court.
5. Learned Senior Counsel for the petitioner submits that the petitioner is ready to abide by the conditions, if any, imposed by this Court while allowing his prayer.
6. In view of the submissions made on behalf of the parties, the petition is allowed to the extent that one opportunity is granted to the petitioner/plaintiff to examine PW-4 Col.S.K.Mehta subject to payment of cost of ₹20,000/- to the counsel for respondents No.1(a) to (e).
7. It is informed by learned counsel for the parties that the matter is listed before the learned Trial Court on 9th May, 2017.
8. The petitioner is directed to produce PW-4 Col.S.K.Mehta on 9th May, 2017 before the learned Trial Court for his examination. Learned counsel for the respondents No.1(a) to (e) submits that he will also appear before the learned Trial Court on the said date for cross examination of PW-4.
9. It is directed that cost of ₹20,000/- shall be paid by the petitioner before examination of PW-4 shall commence.
10. It is made clear that no further adjournment shall be given to the petitioner/plaintiff for the above purpose by the learned Trial Court. However, in case the Presiding Officer happens to be on leave on that date, the matter shall be listed on the next working day for the said purpose.
11. Petition stands allowed in above terms.
12. A copy of this order be sent to the concerned Trial Court for information and compliance.

13. As prayed, copy of the order be also given dasti to learned counsel for the parties.

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Dismissed as infructuous.

PRATIBHA RANI, J.

APRIL 21, 2017

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