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

+ CM(M) 487/2017

SUDERSHAN KUMAR ARORA Petitioner
Through: Mr.Naveen Kumar Raheja, Advocate.

versus

PARSHOTAM LAL ARORA Respondent
Through: Mr.Naresh K.Daksh, Advocate.

CORAM:
HON'BLE MS. JUSTICE PRATIBHA RANI

ORDER
% **02.05.2017**

CAV.No.441/2017

Since learned counsel for the caveator/respondent has appeared, the caveat stands discharged.

CM Nos.16709/2017 & 16710/2017

1. Exemption allowed subject to all just exceptions.
2. Applications are disposed of.

CM(M) No.487/2017

1. The petitioner/defendant is aggrieved by the order dated 3rd February, 2017 passed in Suit No.46/2016 whereby the learned Trial Court has dismissed the application moved by the petitioner under Order XVIII Rule 17 CPC for recalling of PW-1 for his cross examination.
2. Notice. Learned counsel as above appearing on behalf respondent accepts notice.
3. Heard learned counsel for the parties.

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4. Learned counsel for the respondent/plaintiff submits that he has no-objection if prayer of the petitioner is allowed and only one opportunity is granted to the petitioner/defendant to cross examine PW-1 subject to such conditions as deemed fit by this Court.
5. Learned counsel for the petitioner/defendant 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/defendant to cross examine PW-1 subject to payment of cost of ₹50,000/- to the respondent/counsel for the respondent.
7. It is informed by learned counsel for the parties that the matter is listed before the learned Trial Court on 25th May, 2017.
8. On the date already fixed i.e. on 25th May, 2017, PW-1 shall appear before the learned Trial Court for his cross examination. Learned counsel for the petitioner shall also remain present in the Court on the said date to cross examine PW-1.
9. It is directed that cost of ₹50,000/- shall be paid by the petitioner before cross examination of PW-1 shall commence.
10. It is made clear that no further adjournment shall be given to the petitioner/defendant 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.

CM No.16708/2017

Dismissed as infructuous.

PRATIBHA RANI, J.

MAY 02, 2017

'st'