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

+ CM(M) 503/2017

INDIAN NATIONAL TRADE UNION
CONGRESS (REGD)

..... Petitioner

Through: Mr.G.P.Thareja, Advocate.

versus

INDIAN NATIONAL TRADE UNION
CONGRESS (U P BRANCH) & ANR

..... Respondents

Through: Mr.Ashwani Kumar Dubey,
Advocate, for R-1.

Mr.A.K.Bajpai, Mr.Chetan Gautam
and Mr.Parveen Gupta, Advocates for
R-2.

CORAM:

HON'BLE MS. JUSTICE PRATIBHA RANI

ORDER

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23.05.2017

CM(M) No.503/2017

1. The petitioner, who is defendant No.2 in Civil Suit No.56938/2016, is impugning the order dated 24th March, 2017 whereby the learned Trial Court has declined the prayer of the petitioner/defendant No.2 for seeking an adjournment for cross examination of PW-1 and while closing the opportunity, has also imposed cost of Rs.10,000/- on the petitioner/defendant No.2.

2. On 3rd May, 2017 when this Civil Misc.(Main) came up for hearing, the order imposing cost of Rs.10,000/- on the petitioner/defendant No.2 was kept in abeyance till next date of hearing.

3. Today learned counsel for the respondent no.1/plaintiff submits that to avoid further delay in the matter, respondent No.1/plaintiff has no objection if an opportunity is given to the petitioner/defendant No.2 to cross examine PW-1 subject to cost.

4. In view of the submissions made by learned counsel for the petitioner/defendant No.2 and respondent No.1/plaintiff, the impugned order to the extent of imposing cost of Rs.10000/- and closing opportunity to cross examine PW-1 is set aside. The petitioner/defendant No.2 is granted only one opportunity to cross examine PW-1 subject to payment of cost of Rs.10,000/- which shall be paid by the petitioner/defendant No.2 to the learned counsel for the respondent No.1/plaintiff before commencement of cross examination.

5. Parties are directed to appear before the learned Trial Court on the date fixed before the learned Trial which is stated to be 13th July, 2017.

6. The learned Trial Court may allow the petitioner/defendant No.2 to cross examine PW-1 on the said date or may fix a date for the said purpose.

7. The petition is allowed in above terms.

8. A copy of this order be sent to the learned Trial Court for information and compliance and be also given dasti to learned counsel for the parties, as prayed.

CM No.16971/2017

Dismissed as infructuous.

PRATIBHA RANI, J.

MAY 23, 2017

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