

\$~71&72

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

+ CM(M) 696/2017 & CM No.24185/2017 (for stay)

VRINDA GROVER

..... Petitioner

Through: Mr. Anupam Srivastava & Mr. Harsh
Bara, Advs.

Versus

DR. RAJENDRA KUMAR PACHAURI & ORS. Respondents

Through: Mr. Ashish Verma, Adv. for R-2.
Mr. Sarojanand Jha & Mr. Biswajit
Choudhury, Advs. for R-3.
Ms. Mayuri Raghuvanshi & Mr.
Prateek Kohli, Advs. for R-4.

AND

CM(M) 697/2017 & CM No.24187/2017 (for stay)

X

..... Petitioner

Through: Mr. Arpita Rai, Adv.

Versus

DR. RAJENDRA KUMAR PACHAURI & ORS. Respondents

Through: Mr. Ashish Verma, Adv. for R-2.
Mr. Sarojanand Jha & Mr. Biswajit
Choudhury, Advs. for R-3.
Ms. Mayuri Raghuvanshi & Mr.
Prateek Kohli, Advs. for R-4.
Mr. Anupam Srivastava & Mr. Harsh
Bara, Advs. for R-5.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

%

12.07.2017

**CM No.24186/2017 in CM (M) No.696/2017 & CM No.24188/2017 in
CM (M) No.697/2017 (both for exemption)**

1. Allowed, subject to just exceptions.

2. The applications are disposed of.

CM (M) No.696/2017 & CM (M) No.697/2017

3. Both these petitions under Article 227 of the Constitution of India

impugn the order dated 7th July, 2017 of the Additional District Judge (ADJ) in CS No.57510/2016 filed by the respondent no.1 Dr. Rajendra Kumar Pachauri against the petitioner and respondents no.2 to 6 for recovery of damages for defamation and for injunction.

4. By the impugned order, the learned ADJ has directed the parties to appear before the Local Commissioner appointed for recording evidence between 16:00 hours and 18:00 hours on 13th July, 2017, 14th July, 2017, 15th July, 2017, 17th July, 2017 to 22nd July, 2017, 25th July, 2017 and 26th July, 2017 for the purpose of cross examination of respondent no.1 / plaintiff and other witnesses of the respondent no.1 / plaintiff.

5. The counsel for the petitioner in CM (M) No.696/2017 states that though as per the direction of the ADJ, advance copy of the affidavit by way of examination-in-chief was to be delivered to the petitioner by 7th July, 2017 but was delivered yesterday evening.

6. The counsel for the petitioner in CM(M) No.697/2017 states that the advance copy of the affidavit by way of examination-in-chief was delivered today morning only.

7. Besides the two petitioners there are number of other defendants in the suit and who have not chosen to impugn the said order. However the counsel for the respondent no.3 New Delhi Television Ltd. (NDTV Ltd.) states that he has received copy of the affidavit by way of examination-in-chief today itself and has the same grievance. The same is the grievance of counsel for respondent no.2 Bennett Coleman and Company Ltd. and the counsel for the respondent no.4 The India Today Group.

8. The counsel for the respondent no.1 / plaintiff appearing on advance

notice states that vide order dated 7th July, 2017 the affidavit by way of examination-in-chief was directed to be furnished “very soon” and not on 7th July, 2017 itself.

9. The counsels for the petitioners draw attention to order dated 16th June, 2017 in CM(M) No.655/2017 arising from same suit whereby affidavits by way of examination-in-chief were directed to be supplied on 7th July, 2017.

10. After some hearing, with the consent of all the parties, it is agreed that recording of cross-examination of respondent no.1/plaintiff and his two witnesses by all the defendants in the suit shall commence before the Court Commissioner with effect from 1st August, 2017 and shall conclude by 30th September, 2017. It is further agreed that the said witnesses would be cross-examined first by the counsel for the victim, thereafter by the counsel for the advocate for the victim, next by counsel for either of the respondents Bennett Coleman and Company Ltd., NDTV Ltd., The India Today Group and Union of India as may be convenient.

11. The Court Commissioner, on 1st August, 2017 shall lay down a schedule of dates and time for recording of evidence so that the cross-examining party can for the concerned date summon any record required to be summoned for the purposes of cross-examination.

12. The cross-examination else, shall take place before the Court Commissioner appointed by the learned ADJ at the time and place designated by the learned ADJ.

13. The order dated 7th July, 2017 impugned in these petitions shall stand modified accordingly.

14. At this stage, it is pointed out that the claim for damages is only against the victim and the advocate for the victim and the claim against the others is for injunction only.

15. With the aforesaid consent order, the petitions are disposed of.

Dasti under signature of Court Master.

RAJIV SAHAI ENDLAW, J.

JULY 12, 2017

‘gsr’..