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

+ CM(M) 70/2017 and CM Nos. 2300-02/2017

NAMO SHANKAR GUPTA & ANR Petitioners

Through Mr.Davender Kumar Sharma,
Advocate.

versus

HARISH SAKUJA & ANR Respondents

Through Mr.Mukesh Gupta and Mr.Chetan
Gautam, Advocates for R-2.

CORAM:

HON'BLE MR. JUSTICE JAYANT NATH

ORDER

20.01.2017

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1. By the present petition filed under Article 227 of the Constitution of India, the petitioners seek to challenge the order dated 01.10.2016 by which the evidence of the defendants/petitioners was closed.
2. The trial court noted that the matter was fixed for cross-examination of DW-2-Mr.Vivek Gupta. Part cross-examination of DW-2 had taken place on 05.03.2015. Thereafter, it noted that DW-2 has not entered the witness box to complete his cross-examination. Further, no steps have been taken to summon any of the other witnesses of the petitioners. Hence, the evidence of the petitioners/defendants was closed.
3. Learned counsel for the petitioners submits that he only seeks to complete the evidence of DW-2. He further submits that the family of DW-2

had gone out of station i.e. Mathura when they had met with an accident. The necessary papers have been placed on record before this court. Hence, DW-2 did not appear when the impugned order was passed. He submits that in the interest of justice, one last opportunity be granted to the petitioners.

4. Subject to payment of costs of Rs.5,000/-, the petitioners are granted last opportunity to produce Sh. Vivek Gupta/DW-2 for his cross-examination on the date to be fixed by the trial court. On that date, no adjournment shall be given to the petitioners.

5. Advance copy of the petition has been sent to the respondents but none is present.

6. With the above observations, the present petition and all pending applications stand disposed of.

JAYANT NATH, J

JANUARY 20, 2017
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