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

+ CM(M) 914/2017

ANJALI NASHIER

..... Petitioner

Through: Mr. Rajat Navet, Adv.

Versus

PREM RANI SINGHAL & ANR

..... Respondents

Through: Ms. Anjali Chauhan and Ms. Ria
Sachthey, Advs.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

% 25.08.2017

CMs No.30607/2017 & 30608/2017 (both for exemption)

1. Allowed, subject to just exceptions.
2. The applications are disposed of.

CM(M) 914/2017 & CM No.30606/2017 (for stay)

3. This petition under Article 227 of the Constitution of India impugns the orders (dated 2nd August, 2017 and 16th August, 2017 in CS No.34/17 of the Court of Additional District Judge, South West District, Dwarka Courts, New Delhi) closing the right of the petitioner/plaintiff for an opportunity to examine other witnesses.
4. The petitioner/plaintiff has already examined four witnesses and thereafter there were talks of settlement between the parties and for which reason adjournment was sought and which was denied and the right to lead further evidence was closed.
5. The counsel for both the respondents/defendants appears on advance notice.

6. The counsel for the respondents/defendants also confirms the settlement talks.

7. The counsel for the petitioner/plaintiff, on enquiry, states that only one more witness, namely Mr. Rajiv Ratan, is to be examined and advance copy of whose affidavit by way of examination-in-chief has already been supplied to the counsel for the respondents/defendants, though not filed in the Court.

8. The suit is informed to be listed next on 1st September, 2017 for evidence of the respondents/defendants.

9. Since both the counsels confirm that talks of settlement were underway, it is deemed appropriate to set aside the impugned orders dated 2nd August, 2017 and 16th August, 2017 and to grant one further opportunity to the petitioner/plaintiff to examine the aforesaid Mr. Rajiv Ratan on the following conditions:

(I) The petitioner/plaintiff files before the Suit Court, on 1st September, 2017, the affidavit by way of examination-in-chief of the said Mr. Rajiv Ratan;

(II) The petitioner/plaintiff to, at her own responsibility, produce the said Mr. Rajiv Ratan for tendering of the said affidavit in evidence and for his cross-examination on the date to be fixed by the learned Additional District Judge (ADJ) on 1st September, 2017;

(III) If there is any default, in either of the said conditions, no further opportunity shall be given;

(IV) If for any reason, the evidence of the said witness is not completed on the date to be given by the learned ADJ on 1st September, 2017, the conditions aforesaid shall apply to the subsequent date/s also.

10. The counsel for the petitioner/plaintiff states that Mr. Rajiv Ratan is abroad from 31st August, 2017 to 7th September, 2017.

11. Accordingly, the date for his evidence to be given after 7th September, 2017.

12. The petition is disposed of.

Copy of this order be given *dasti* under the signatures of the Court Master.

RAJIV SAHAI ENDLAW, J.

AUGUST 25, 2017

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