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

+ CM(M) 1105/2017

BAPTIST CHURCH TRUST ASSOCIATION & ANR.... Petitioners

Through: Mr. Viresh B. Saharya & Mr. Akshay  
Agarwal, Advs.

Versus

JEANETT DAS

..... Respondent

Through: None.

**CORAM:**

**HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW**

**ORDER**

% **09.10.2017**

**CM No.36089/2017 (for exemption)**

1. Allowed, subject to just exceptions.
2. The application is disposed of.

**CM(M) 1105/2017 & CM No.36088/2017 (for stay)**

3. This petition under Article 227 of the Constitution of India impugns the order [dated 26<sup>th</sup> July, 2017 in CS No.254/2015 of the Court of Additional District Judge (ADJ)-02, Central District, Tis Hazari, Delhi] allowing the application of the respondent / defendant to further cross-examine PW1.
4. Though the learned ADJ has not given any reason whatsoever for so allowing the respondent / defendant to further cross-examine PW1 and for that reason and otherwise a cause for interference is made out but it appears that issuing notice of this petition would further delay the petitioners / plaintiffs' suit against the respondent / defendant for recovery of possession of the property of the petitioners / plaintiffs claimed to be in unauthorized occupation of the respondent / defendant.
5. The impugned order listed the suit from which this petition arises, for cross-examination allowed, on 28<sup>th</sup> August, 2017. On enquiry, the counsel for the

petitioners / plaintiffs states that the Court in which the suit was pending was abolished and thus no further proceedings could take place on 28<sup>th</sup> August, 2017 and the suit is listed next on 11<sup>th</sup> October, 2017 and has not been assigned to any other Court till now.

6. It is deemed appropriate to direct the District Judge (Central), Tis Hazari Courts, Delhi to, if no other Presiding Officer has been placed in the Court earlier presided by ADJ-02 and / or if the suit has not been assigned to any other ADJ as yet, to do so well before 11<sup>th</sup> October, 2017 so that further proceedings in the suit can go on.

7. For the aforesaid reasons, the petition is disposed of with directions as aforesaid and by further directing that upon the respondent / defendant not availing of the opportunity to cross-examine PW1 on the date given therefor, the opportunity to cross-examine in pursuance to the impugned order dated 26<sup>th</sup> July, 2017 shall stand closed.

8. Since this order is being made without hearing the respondent / defendant, liberty is given to the respondent / defendant to apply if need arises but with advance copy personally delivered to the counsel for the petitioners / plaintiffs.

9. The petition is disposed of.

10. A copy of this order be given *dasti* under signature of Court Master to the counsel for the petitioners / plaintiffs for submission to the learned District Judge (Central), Tis Hazari Courts, Delhi well before 11<sup>th</sup> October, 2017.

**RAJIV SAHAI ENDLAW, J**

**OCTOBER 09, 2017**

‘gsr’..