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

+ CM(M) 1244/2017 & CM Appln. 39557/2017

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..... Petitioner

Through Mr. Manish Gandhi with Mr. Ranjit Shani and Mr. Ravi Kumar, Advocates

versus

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..... Respondent

Through Mr. Sanjoy Ghose with Mr. Jatin Sehgal, Dhananjai Rana and Mr. Harish Malik, Advocates with Respondent-in-person.

CORAM:

HON'BLE MR. JUSTICE J.R. MIDHA

ORDER

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24.11.2017

1. The petitioner has challenged the order dater 25th October, 2017 to the extent that the respondent be directed to file the affidavits of all the witnesses before the resumption of cross-examination of PW-1.
2. The respondent has filed the counter affidavit in which it is stated that the copies of the evidence by way of affidavit of the three witnesses namely Ravi Kumar Sinha, Rajiv Sinha and Kavita Chaudhari have already been supplied to the petitioner. The respondent has further stated that the witnesses mentioned at serial No. 12 and 13 of the list of the witnesses are summoned witnesses and, therefore, their affidavits cannot be filed at this stage. Learned counsel for the respondent submits that no other witnesses have to be examined by the respondent apart from the aforesaid five witnesses.
3. Learned counsel for the petitioner submits that the petitioner is satisfied with the aforesaid stand of the respondent recorded in para-2 and 21 of the counter affidavit and this petition be disposed of.
4. Learned counsel for the respondent submits that the respondent is

posted at Hyderabad and he has to come to Delhi for every hearing. It is submitted that thirteen hearings have taken place before the Local Commissioner. It is submitted that the Local Commissioner be directed to expedite the recording of the evidence and record day-to-day cross-examination of PW-1 to which the counsel for the petitioner has no objection.

5. The Local Commissioner shall expedite the recording of the evidence and endeavour to fix continuous dates for cross-examination of PW-1 subject to his convenience of counsels for the parties. The Local Commissioner shall endeavour to complete the evidence within eight months.

6. Learned counsels for the parties agree to not seek unnecessary adjournment before the Local Commissioner.

7. The learned counsel for the respondent submits that the petitioner be directed to file the evidence by way of affidavit of all his witnesses after the conclusion of the respondent's evidence to which learned counsel for the petitioner has no objection.

8. This petition is disposed of in terms of the above statements. The pending application is also disposed of.

9. Copy of this order be given *dasti* to the counsel for the parties under the signature of the Court Master.

J.R. MIDHA, J

NOVEMBER 24, 2017

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