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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ C.R.P. 49/2018 & CM APPL. 10151/2018
RAHUL BUTALIA Petitioner
Through Ms. Sangeeta Sondhi, Adv.

versus

BELA BUTALIA AND ORS Respondent
Through R1 & R2 in person.
None for R3.

CORAM:
HON'BLE MS. JUSTICE ANU MALHOTRA
ORDER
% **30.08.2018**

The respondent no. 3 is not present despite service of the notice of the petition.

Vide the present petition, the petitioner assails the impugned order dated 03.02.2018 to the extent that the cross examination of the defendant no. 1 was closed wherein it has been submitted that the defendant no. 1 was not present as he was travelling and could not come for his deposition and it has been submitted during the course of the submissions now made on behalf of the petitioner that the defendant no. 1 was not in India. The impugned order indicates also that on the date of evidence prior to 03.02.2018, the defendant no. 1 was also not present qua which it is indicated that there was a submission to the effect that the defendant no. 1 was unwell.

The respondents no. 1 & 2 do not oppose the prayer submitting to the
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effect that they seek an expeditious disposal of the lis without prejudice to their contentions in relation to the aspect of delay being brought about by the petitioner herein.

In the circumstances, the respondent no. 3 not being present despite service and no further opportunity thus being granted to the respondent no. 3 in relation to the contentions raised to the present petition, in the interest of justice, one single opportunity is granted for the presence of the defendant no. 1 for his deposition before the Local Commissioner in terms of the proceedings dated 03.02.2018 of the Trial Court which evidence has to be concluded before the date 08.10.2018.

The petition is disposed of accordingly.

Copy of this order be sent to the learned Trial Court.

ANU MALHOTRA, J

AUGUST 30, 2018/MK

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