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

+ CM(M) 547/2018 and CM Nos. 18920-18922/2018

RAMESH CHAND JAIN & ORS

..... Petitioners

Through: Mr. Sanjeev Soni, Adv for petitioners
No. 1 to 3 with petitioner No.3 in
person.

versus

UTTAM CHAND JAIN & ORS

..... Respondents

Through: None.

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

ORDER

% **08.05.2018**

By the impugned order dated 22.03.2018, the opportunity of the petitioners (defendant Nos. 3 to 5 in civil suit No. 57/17 and old No. 16857/16) for cross-examination of the witnesses (DW1, DW2 and D1W2) of the other set of defendants was closed, their application for deferment of such exercise having been declined and the application under Order XIV Rule 5 of the Code of Civil Procedure, 1908 (CPC) for framing of two additional issues having been dismissed. The said order is under challenge by the present petition.

After some hearing, the counsel for the petitioners submitted that he does not press the petition in so far as it challenges the decision on the application under Order XIV Rule 5 of the Code of Civil Procedure, 1908 (CPC). He further submitted that he may be allowed to withdraw the present petition and the applications filed

therewith and instead be given liberty to move the trial court by a review application to seek re-opening of the opportunity for cross-examination of the afore-mentioned witnesses explaining the earlier defaults on his part which have led to such order being passed.

The petition and the applications filed therewith are dismissed as withdrawn with liberty limited to the above aspect granted as prayed.

R.K.GAUBA, J.

MAY 08, 2018/uj