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

+ CM(M) 730/2018 & CM 26233/2018

M/S UNITECH MACHINES LTD Petitioner

Through: Ms.Gauri Chaturvedi, Adv.

versus

SUDHA & ORS Respondents

Through: Mr.P.D. Gupta, Sr. Adv. with Mr.
Atul Gupta, Adv. for R1-4.

CORAM:

HON'BLE MR. JUSTICE SUNIL GAUR

ORDER

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13.08.2018

Vide order of 17th July, 2017, petitioner's right to cross-examine claimants and eye-witnesses stood closed. After about eight months, petitioner had filed an application for recalling of order of 17th July 2017, which stands dismissed by impugned order of 190th March, 2018 wherein it is noted that petitioner was represented by five counsels and the rationale to decline petitioner's application is that any of those five counsels could have cross-examined the witnesses, who were present before the Tribunal on 17th July, 2017.

The opposition to this petition is on the ground that even after passing of the impugned order, this petition has been filed after four months and the sole purpose of petitioner is to delay the proceedings, so that claimants do not get their compensation.

Upon hearing and on perusal of impugned orders, the material available on record, I find that petitioner's right to cross-examine

claimant and eye witness is sought to be curtailed on the plea that there has been gross negligence on the part of petitioner in contesting the claim petition. However, I find that the cross-examination of claimants and eye-witness is essential for the just decision of this case and for the delay occasioned, opposite side can be compensated. Accordingly, impugned order is hereby set aside. One effective opportunity is given to petitioner to cross-examine the claimants and eye-witnesses, subject to costs of ₹50,000/- to be paid to first respondent.

Let parties appear before the Tribunal on 27th August, 2018 for fixing a date of cross-examination of these witnesses prior to the date already fixed.

With aforesaid directions, this petition and the application are disposed of.

Dasti.

(SUNIL GAUR)
JUDGE

AUGUST 13, 2018
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