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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CM(M) 1148/2018 & CM APPL. 38858-38859/2018
KISHAN LAL BHANDULA Petitioner
Through Ms. Nargis Jahan, Adv.

versus

SUSHIL BHANDULA Respondent
Through None.

CORAM:
HON'BLE MS. JUSTICE ANU MALHOTRA
ORDER
% **24.09.2018**

CM APPL. 38858/2018

Exemption allowed subject to all just exceptions.

The application is disposed of.

CM(M) 1148/2018 & CM APPL. 38859/2018

The stage before the learned Trial Court is pronouncement of judgment today as per the order dated 04.09.2018 in C.S. no. 17125/16 pending before the learned ADJ-13, Central.

The petitioner is aggrieved by the order dated 14.08.2018 of the learned Trial Court whereby no further opportunity to lead defence evidence was granted in as much as the petitioner is indicated to have been assisted with a legal aid counsel and it is submitted by the petitioner that the legal aid counsel did not assist him and as indicated vide the impugned order dated 14.08.2018 there was engagement of a private counsel by the petitioner when the prayer was made seeking to lead defence evidence.

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The learned Trial Court also observed to the effect vide the impugned order that the suit is one under Section 6 of the Specific Relief Act and non cross-examination of the plaintiff's witness would have an important bearing on the outcome of the case and that the defendant no. 1 was not asking for an opportunity for cross-examination of the plaintiff's witness and was rather seeking only to lead defence evidence without making and putting forth any substantial ground.

A bare perusal of the present petition also indicates that the prayer made in the present petition seeks the setting aside of the impugned order dated 14.08.2018 and seeks permission to seek an opportunity to lead evidence in defence without once again seeking any cross-examination of the plaintiff's witness, there is no merit in the petition and the petition and accompanying applications are declined.

ANU MALHOTRA, J

SEPTEMBER 24, 2018/MK