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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CM(M) 1349/2018, CM APPL.46337/2018**
GHASI RAM JAIN (DECEASED) THR LRS

..... Petitioner
Through: Mr.J.P.Sengh, Sr. Adv. with
Mr.MayankYadav, Mr.Jitender
Verma, Ms.Manisha Mehta,
Mr.Mrigna Shekhar and Mr.Shashi
Pratap, Advs.

versus

PADAM CHAND JAIN & ORS

..... Respondents
Through: Mr.J.K.Bhola, Adv. for R-1 & 2
Mr.Sanjeev Soni, Adv. for R-3 to 5
with R-5 in person

CORAM:
HON'BLE MR. JUSTICE YOGESH KHANNA
ORDER
% **26.11.2018**

This petition challenges the orders dated 23rd and 25th May, 2018, however, on 2nd November, 2018 scope of the petition was restricted to the extent of closing the right to cross-examine DW-1, DW-2 and D1W2 by the impugned order 25th May, 2018. It is submitted by learned senior counsel for the petitioner that DW-1 was not present either on 23rd May or on 25th May, 2018 and since was to be cross-examined first, being partly recorded, there was no question to cross-examine other witnesses till cross-examination of DW-1 was over. It is alleged despite DW-1 being absent on said date, the right to

cross-examine DW-1, DW-2 and D1W2 of the petitioner was closed.

I have heard both the counsels. Considering the submissions made, it would be appropriate if one last opportunity is granted to the petitioner herein to cross-examine DW-1 on 28th and 29th November, 2018 and thereafter DW-2 and D1W2 be cross examined within two dates to be given by the learned Trial Court, of course on payment of costs as imposed for inconvenience caused to DW2 and DW3 on the dates they were present.

The petition stands disposed of in terms of above.

YOGESH KHANNA, J.

NOVEMBER 26, 2018

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