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

+ **CM(M) 1335/2018**

SATENDER PRAKASH LAMBA

..... Petitioner

Through: Mr.Priyanka Kakkar, Advocate with
Mr.Vivek Sethi, Mr.Mukesh Sinha
and Mr.Yasir Khan, Advocates.

versus

JOGINDER LAMBA & ORS.

..... Respondents

Through: None.

CORAM:

HON'BLE MR. JUSTICE VINOD GOEL

ORDER

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01.11.2018

CM No. 45942/2018 (for exemption)

1. Allowed, subject to all just exceptions.

CM(M) 1335/2018 & CM No. 45941/2018 (for stay)

2. This is the petition filed under Article 227 of the Constitution of India by the petitioner/defendant, impugning the order dated 05.06.2018 passed by the Court of learned Additional District Judge-05, Patiala House Court, New Delhi, ('ADJ'). By the impugned order, the learned ADJ found that the complete addresses of the witnesses no.(vi) to (xii) were not furnished by the petitioner. Some of them were found to be residents of State of Punjab, City of Coimbatore and U.S.A. and the petitioner did not take any step to serve them with the summons. Still the court granted time to the petitioner to summon these witnesses on taking steps for 06.02.2017, 12.04.2018 and

05.06.2018. For serious lapse on the part of the petitioner his right to examine witnesses No. (i), (ii) and (vi) to (xii) was closed by the impugned order. However, learned ADJ gave opportunity to examine witnesses no. (iii), (iv) and (v) for 17.07.2018. The court observed that the matter is 15 years old and the petitioner has failed to take any steps to adduce evidence. Subsequently, when no other evidence was adduced, evidence of the petitioner was closed on 06.09.2018, which has not been challenged. The matter is listed for final arguments before the court on 02.11.2018.

3. Since the petitioner/defendant has not taken any steps to summon the witnesses or even attempted to furnish their complete addresses, I do not find any infirmity or illegality in the order of the learned ADJ. Simply filing a list of witnesses by the parties is not enough.

4. The petition is accordingly dismissed with no orders as to costs. The application, being CM No. 45941/2018 is also disposed of.

VINOD GOEL, J.

NOVEMBER 01, 2018

"shailendra"