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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CM(M) 1406/2018, CM APPL.48453-48454/2018
RAJBIR SINGH

..... Petitioner

Through: Mr.Pawan Sharma, Advocate.

versus

M/S MONK TRADING PVT LTD

..... Respondent

Through: NEMO.

CORAM:
HON'BLE MR. JUSTICE YOGESH KHANNA

ORDER

% **26.11.2018**

By this petition, petitioner seeks to set aside the order dated 22.05.2018 passed by the learned Trial Court in Civil Suit No.92/2008 titled as *M/s.Monk Trading Pvt Ltd vs Sh.Rajbir Singh & Others*, whereby the application under Section 151 CPC of the petitioner was dismissed. The petitioner intended to cross examine PW1.

A bare perusal of the impugned order would show sufficient opportunities were given to the petitioner to cross examine PW1, even by imposing costs on different occasions and that on 02.04.2018 since none appeared on behalf of the petitioner, the opportunity to cross examine PW1 was thus closed. The learned Trial Court has also noted since the defendants No.2 & 3 who are the sons of the petitioner herein have already cross examined the witness, hence the learned Trial Court has rightly noted there is no ground to allow the

application under Section 151 CPC and rightly dismissed it with costs of Rs.5,000/-.

No grounds made out to interfere with the impugned order passed by the learned Trial Court. The petition stands dismissed. The pending application(s) also stands disposed of.

YOGESH KHANNA, J.

NOVEMBER 26, 2018

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