

\$~46

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

+ **CM (M) 1605/2019**

DANINK TRIBUNE

..... Petitioner

Through: Mr. Neeraj K. Gupta and Mr. Ranjeet
Kumar Singh, Advocates.
(M:9968774295)

versus

AMIT SUNEJA & ORS.

..... Respondents

Through: None.

CORAM:

JUSTICE PRATHIBA M. SINGH

ORDER

%

31.01.2020

CM APPL. 4035/2020 (exemption)

1. Allowed, subject to all just exceptions. Application is disposed of.

CM APPL. 4034/2020 (clarification of order dated 08.11.2019) in CM (M) 1605/2019

2. The present petition has been filed seeking clarification of order dated 8th November, 2019, which reads as under:

“1. The present petition has been filed challenging the impugned order dated 28th September, 2019 by which the written statement of the Petitioner/ Defendant No. 3 (hereinafter, “Defendant No. 3”) has not been taken on record. The grievance of the Petitioner is that initially Defendant No.3 had appeared pursuant to the application under Order I Rule 10 and was only impleaded on 19th October, 2015. Thus, the time period which has been calculated by the Trial Court is incorrect. The Court has perused the order sheet of the Trial Court. Defendant No. 3 was impleaded on 19th October, 2015. Thus, there was no justification for not filing of written statement in time. Defendant No. 3

did stay away from the proceedings for a considerable period, without going into the technicalities as to the exact number of months. The impugned order refusing to take the written statement on record has been passed only on 28th September, 2019. This Court does not deem it necessary to interfere with the impugned order, however, it is clarified that Defendant No. 3 would have the right to cross examine the Plaintiff's witnesses and also to participate in the proceedings.

2. The petition with all pending applications is disposed of. Dasti."

3. The contention of ld. counsel for the Petitioner, which is Defendant No.3 in the suit, is that on 21st December, 2019 the matter was listed before the Trial Court. The Trial Court did not give permission to the Defendant No.3 to cross-examine the Plaintiffs' witness and only permitted participation in the proceedings.

4. The order dated 8th November, 2019 does not brook any ambiguity whatsoever. The Defendant No.3 in the suit i.e. Petitioner herein was given right to cross-examine vide the said order dated 8th November, 2019. Clarified accordingly.

5. CM is disposed of. Copy of the order be given *dasti* under signatures of the Court Master.

PRATHIBA M. SINGH, J.

JANUARY 31, 2020/dk