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

+ **CM(M) 739/2019**

ASHOK KUMAR

..... Petitioner

Through : Mr.Mukesh Kumar, Mr.Sangam
Kumar, Mr.Rajnish Kumar and
Mr.Mithilesh Jaiswal, Advocates

versus

HARYANA STATE KORFBALL ASSOCIATION & ORS

..... Respondents

Through : Mr.Harsh Panwar, Advocate for R-1

CORAM:

HON'BLE MR. JUSTICE YOGESH KHANNA

ORDER

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10.05.2019

CM APPL No.22443-44/2019

Exemption allowed, subject to all just exceptions.

The application(s) stand disposed of.

CM(M) 739/2019 & CM APPL No.22442/2019

Issue notice.

Counsel for the respondent accepts notice.

This petition has been filed by the petitioner impugning the orders dated 26.04.2019 and 27.04.2019. It is submitted by learned counsel for the petitioner an ex parte order was passed on 23.03.2019 and he moved an application for setting aside the ex parte order as also to provide the documents annexed with the plaint so as to enable him viz defendant No.3/petitioner to file his written statement. On 20.04.2019 the impugned order was passed whereby application under Order 9 Rule 7 CPC was allowed and ex parte order was set aside subject to cost of ₹ 10,000/- to the plaintiff and ₹ 25,000/- to be

paid on line to the Ministry of Home Affairs. Yet again an application dated 26.04.2019 was filed by the petitioner herein to enable him to file the written statement by asking the plaintiff to supply the documents. The said prayer was declined. The learned trial court even rejected the request for adjournment to cross-examine PW1. It is submitted though PW2 and PW3 have been cross-examined but the prayer to cross examine PW1 was declined on 26.04.2019. Admittedly there is no written statement on record of defendant No.3 and despite then the opportunity to cross PW1 is closed and hence this petition. The learned counsel for the respondent though objects to the prayer but says if the petition is allowed it ought to be made subject to costs. Thus, subject to payment of cost of ₹ 15,000/- to be paid to the counsel for the respondent/plaintiff, an opportunity is granted to cross examine PW1 on one date either on 17.05.2019 or on a date to be fixed by the learned trial court on 17.05.2019.

The petition stands disposed of in terms of above. Pending applications are also disposed of. Order *dasti*.

Copy of this order be communicated forthwith to the learned Trial Court for information and compliance.

YOGESH KHANNA, J.

MAY 10, 2019

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