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

+ **C.R.P. 170/2019**

PANKAJ GARG

..... Petitioner

Through: Ms Meenakshi Midha with Mr Rahul
Senapathi, Advocates.

Versus

ASHUTOSH KUMAR MATHUR

..... Respondent

Through: Mr Sanjiv Kumar Saxena, Mr
Ramneet Mishra and Mr Abhishek
Rana, Advocates.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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08.08.2019

CM No.35523/2019

1. For the reasons stated in the application, the delay in filing of the petition is condoned.
2. The application is disposed of.

CM No.35523/2019

3. Allowed, subject to all just exceptions.
4. The application is disposed of.

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5. The petitioner (plaintiff in Suit bearing CS No.206719/2016) has filed the present petition impugning several orders passed by the Trial Court. By the order dated 14.09.2018, the plaintiff's evidence has been closed. By subsequent orders, the petitioner's application for recall of the said order

was dismissed.

6. In addition, the petitioner also impugns an order dated 31.05.2019 passed by the Trial Court rejecting the petitioner's request for framing of additional issues, imposed a cost of ₹50,000/-. Insofar as the order declining the petitioner's prayer for framing of additional issues is concerned, learned counsel appearing for the petitioner does not press the same and no orders are required to be passed in this regard. The petitioner has also paid the costs as imposed.

7. Insofar as the petitioner's grievance regarding evidence being closed is concerned, the learned counsel appearing for the respondent states that he has no objection if the said order is set aside and the respondent is permitted to cross-examine PW-1.

8. Although this Court finds no infirmity with the orders passed by the Ld. Trial Court, in view of the consent between the parties, the impugned order dated 14.09.2018 is set aside. The petitioner's witness (PW-1) shall be present on 26.08.2019 before the concerned court for completion of his cross-examination. Thereafter, the respondent (defendant) shall be afforded an opportunity to lead the evidence.

9. It is stated that no adjournments would be sought for or would be granted to the petitioner for the completion of evidence. It is clarified that if PW-1 is not present on 26.08.2019 or at any further date fixed by the concerned Trial Court for recording the plaintiff's evidence, the plaintiff's evidence shall stand closed without any further orders.

10. The petition and the pending application are disposed of in the aforesaid terms.

VIBHU BAKHRU, J

AUGUST 08, 2019/ MK