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

+ **CM (M) 1402/2019**

CHARANJIT SINGH

..... Petitioner

Through: Mr. R. Krishnaamorthi and Mr.
Suranjan Roy, Advocates.
(M:9810085170)

versus

WIMPY INTERNATIONAL LTD. & ORS. Respondents

Through: Mr. Manav Gupta, Ms. Esha Dutta,
Mr. Devang Kumar and Mr. Apoorv,
Advocates for R-2. (M:9818022022)

CORAM:

JUSTICE PRATHIBA M. SINGH

ORDER

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17.02.2020

CM APPL. 6437/2020 (delay in filing the application for recall)

1. For the reasons as stated in the application, the delay in filing the application for recalling the earlier order is condoned. The application is disposed of.

CM APPL. 6438/2020 (exemption)

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

CM APPL. 6403/2020 (recall of order) in CM (M) 1402/2019

3. The present application has been heard. The ground on which the recall of the earlier order has been sought is that the Petitioner herein/Plaintiff (*hereinafter 'Plaintiff'*) had not disclosed to the Court that the witness had actually admitted the signatures on the copies of the documents and only one original had been confronted to the witness during cross-examination.

4. Vide the order dated 21st October 2019, the only direction issued by this Court is that if the originals were confronted to the witness, the same shall be made available to the Plaintiff as also to the hand writing expert if the Plaintiff wishes to produce a hand writing expert.
5. Ld. counsel for the Respondent herein/Defendant (*hereinafter* 'Defendant') has clarified that PW-1 admitted his signatures on the copies of three of the documents and only one original i.e. the share transfer form was required to be confronted. The copies of the said documents are dated 1st September, 2001, 27th August, 2001 and another document i.e. spot delivery contract dated 1st September, 2001. Insofar the share transfer form is concerned, the original was OSR (original seen & returned).
6. Accordingly, the said share transfer form in original shall be placed on record for inspection by the Plaintiff's expert witness, if required. Insofar the application under Order XII Rule 6 CPC is concerned, the parallel proceeding of the trial in the suit shall not come in the way of the hearing and decision in the application under Order XII Rule 6 CPC.
7. With these observations, the present application is disposed of.

PRATHIBA M. SINGH, J.

FEBRUARY 17, 2020/dk