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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CM(M) 914/2018 & CM APPL No.32249/2018**
MOHAMMAD AQUIL

..... Petitioner

Through : Mr.A.K.Suri, Adv.

versus

MOHAMMAD RASHID & ORS

..... Respondent

Through : None

CORAM:
HON'BLE MR. JUSTICE YOGESH KHANNA

ORDER
% **16.05.2019**

On 01.10.2018 the respondents were served with the petition but they have chosen not to appear.

This petition challenges the orders dated 26.02.2018 and 02.05.2018 whereby the liberty of the petitioner to cross-examine PW1 was closed. An application under Order 18 Rule 17 CPC moved by defendant No.3/petitioner to recall PW1 was also dismissed. It is submitted by learned counsel for the petitioner/defendant No.3 that on 27.01.2018 the plaintiff was granted last opportunity to lead evidence and the matter was adjourned on 17.02.2018 on which date the Presiding Officer was on leave and the matter was then listed on 26.02.2018 when previous counsel for defendant No.3/petitioner was not present, hence the right of the petitioner to cross examine PW1 was closed and the matter was adjourned for 04.04.2018 for

remaining PE of the plaintiff. It is submitted previous counsel handed over the case file to the petitioner and then the present counsel was engaged and he inspected the case and facts were revealed. The petitioner being a bona fide purchaser of the property is allegedly being dragged in the suit and if not granted an opportunity to cross examine, shall suffer irreparable loss.

In the facts and circumstances as narrated above, let the parties appear before the learned trial court on 11.07.2019 and one opportunity to cross-examine PW1 be given to the petitioner and one opportunity to examine his defence evidence be also given.

In view of above order, the petition stands disposed of. Pending applications are also disposed of.

YOGESH KHANNA, J.

MAY 16, 2019

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