

\$~79

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

+ CRL.M.C. 676/2020 and CrI.M.A. No. 2783/2020

VARESHWAR MEHTA

..... Petitioner

Through: Mr.Dinesh Kumar Yadav, Advocate

versus

AMIT GADHIA

..... Respondent

Through: None.

CORAM:

HON'BLE MS. JUSTICE ANU MALHOTRA

ORDER

%

11.02.2020

The respondent has been duly served with the notice of the petition.

Vide the present petition, the petitioner assails the impugned order dated 30.9.2019 of the learned Trial Court in CC No. 52348/2016 as well as the order dated 7.12.2019 of the learned Additional Sessions Judge-02, Karkardooma Courts Delhi in CR No. 311/19 whereby the impugned order dated 30.9.2019 of the learned Metropolitan Magistrate whereby defence evidence of the petitioner herein had been closed, -was upheld.

It has been submitted on behalf of the petitioner that the petitioner could not put in appearance before the learned Trial Court on the date 30.9.2019 when the matter was fixed for the defence evidence as the petitioner had urgently to go for some business purpose to Zambia and thus he could not put in his appearance. The

proof of the flight travel is on the record.

The respondent as observed herein above despite due service of the notice has not put in appearance to contest the petition. In the interest of justice, one single opportunity is granted to the petitioner to lead defence evidence on the date to be fixed by the learned Trial Court subject to payment of costs of Rs.5000/- to the respondent before the learned Trial Court on the date 13.2.2020, the date already fixed before the learned Trial Court.

A copy of this order be sent to the learned Trial Court.

ANU MALHOTRA, J

FEBRUARY 11, 2020/sv