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

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Judgment delivered on: 14.10.2020

+ CM(M) 431/2020 & CM APPL. 20911/2020 (Stay)

SH. UMA SHANKAR SHARMA

..... Petitioner

versus

SH. PREM KUMAR SHARMA THR. LRS.Respondent

Advocates who appeared in this case:

For the Petitioner:

Mr. Swastik Singh, Advocate.

For the Respondent:

Dr. Sarvam Ritam Khare, Advocate.

CORAM:-

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

JUDGMENT

SANJEEV SACHDEVA, J. (ORAL)

1. The hearing was conducted through video conferencing.
2. Petitioner impugns order dated 24.02.2020 whereby the evidence of PW.1 was recorded and PW.1 was discharged without any cross examination being recorded.
3. Learned counsel for the petitioner submits that the counsel for the petitioner was engaged in other proceedings and only proxy counsel had appeared who had sought for an adjournment, however, the same was declined and PW.1 was examined and discharged without any cross examination.
4. Learned counsel has drawn attention to the record to point out that no other adjournments had been sought on part of the petitioner for cross

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examining the said witness.

5. Learned counsel for the respondent submits that since the Suit was filed in the year 2012, for expeditious disposal of the Suit, he has no objection to one opportunity being granted to the petitioner to cross examine PW.1.

6. In view of the above, order dated 24.02.2020 is set aside. Petitioner is granted an opportunity to cross examine PW.1.

7. Learned counsel for the petitioner further submits that since the evidence of PW.1 was recorded in his absence, he be permitted to object to the exhibit marking of certain documents on the ground of their admissibility and/or mode of proof.

8. In view of the above, petitioner is permitted to record his objection to the documents which have been given exhibit marks before the Trial Court prior to commencing his cross examination and Trial Court shall deal with the said objection in accordance with law.

9. The petition is accordingly disposed of in the above terms.

10. Copy of the order be uploaded on the High Court website and be also forwarded to learned counsels through email by the Court Master.

SANJEEV SACHDEVA, J.

OCTOBER 14, 2020
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