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

% Judgment delivered on: 21.03.2023

+ CM(M) 454/2023

KAMLESH VERMA & ANR.

..... Petitioners

versus

MADHU VERMA

.... Respondent

Advocates who appeared in this case:

For the Petitioners : Mr. Mohit Batra, Advocate.

For the Respondent : Mr. Praveen Suri, Advocate.

CORAM:

HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

JUDGMENT

TUSHAR RAO GEDELA, J. (ORAL)

[The proceeding has been conducted through Hybrid mode]

CM APPL. 13554/2023 (for exemption)

1. Exemption is allowed, subject to all just exceptions.
2. The application stands disposed of.

CM(M) 454/2023 & CM APPL. 13553/2023 (for stay)

3. Petitioner challenges the order dated 06.02.2023 in CS SCJ 994/18 titled as "*Madhu Verma @ Madhubala vs. Kamlesh Verma And Anr.*", whereby the application of the petitioner/ defendant seeking recall of the orders dated 26.04.2022 and 08.06.2022, virtue whereof the

opportunity to cross examine the respondent/ plaintiff's witnesses and the opportunity to lead defendant's evidence of the petitioner was also closed, was dismissed.

4. Issue Notice. Notice is accepted by Mr. Praveen Suri, learned counsel appearing for the respondent.

5. Learned counsel for the respective parties on instructions submit that in order to ensure that there is no delay in the proceedings in the trial, an order giving appropriate directions be passed by this Court.

6. With the consent of the parties, the following directions are passed :-

(i) Petitioner shall cross examine PW-1 on the date already fixed before the learned Trial Court, i.e., 24.03.2023, and conclude and PW-1 would be discharged. No further adjournment whatsoever would be afforded to the petitioner in that regard.

(ii) Petitioner/ defendant is permitted to examine two witnesses on her behalf, dates whereof would be specified by the learned Trial Court as per the convenience of the counsel of both the parties.

(iii) The two witnesses who would be produced on behalf of the petitioner/ defendant, shall be examined and cross-examined on two dates, which may be fixed by the learned Trial Court. No further adjournments whatsoever would be granted by the Trial Court in respect of the two defendant's witnesses.

7. The learned Trial Court shall ensure that no adjournment is sought or granted on the said three dates.

8. The aforesaid indulgence is being shown by this Court, subject to a cost of Rs. 20,000/- to be paid by the petitioner/ defendant to the respondent/ plaintiff on or before 24.03.2023 before the Trial Court itself.

9. The Trial Court is directed to dispose of the matter expeditiously.

10. In view of the aforesaid, the present petition along with pending application is disposed of.

TUSHAR RAO GEDELA, J

MARCH 21, 2023

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