

\$~63

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

% Judgment delivered on: 01.05.2023

+ CM(M) 494/2023 & CM APPL. 14843/2023

AMAR CHAND SHARMA

..... Petitioner

versus

ANSHUL JAIN

..... Respondent

Advocates who appeared in this case:

For the Petitioner : Mr. P.R. Sikka, Advocate.

For the Respondent : Mr. Rajesh Sharma and Ms. Kavita Sharma, Advocates.

CORAM:

HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

JUDGMENT

TUSHAR RAO GEDELA, J. (ORAL)

[The proceeding has been conducted through Hybrid mode]

1. Petitioner challenges the order dated 06.03.2023 in ARC No. 1010/17 titled as "*Anshul Jain vs. Amar Chand Sharma*" whereby the learned ARC had closed the right of the leading evidence of one RW, namely, Mr. Aditya Sharma and simultaneously closed the right of the petitioner from recording the evidence of its other witnesses.

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

(i) the learned Trial Court is directed to take the evidence filed by way of an affidavit of Mr. Aditya Sharma on record and provide

one opportunity to record the evidence of said Mr. Aditya Sharma.

(ii) the learned Trial Court is also directed to provide one further opportunity to the petitioner to summon the official witnesses from the Property Tax Department, Municipal Corporation of Delhi.

(iii) after taking the evidence of Mr. Aditya Sharma on record, the learned Trial Court shall commence the recording of the evidence of the said witness on 20.05.2023, on which date the learned Trial Court shall complete the recording of evidence of the said Mr. Aditya Sharma.

(iv) the learned Trial Court shall provide another date for examination of the summoned witness, whose evidence will be recorded on the same date.

3. It is made clear that the learned Trial Court shall not provide any further opportunity to examine the witnesses as aforesaid.

4. Subsequently, the learned Trial Court shall proceed in accordance with law.

5. Since there has been a delay on the part of the petitioner from examining his witnesses, compensatory costs ought to be made over to the respondent. Accordingly, petitioner shall pay a sum of Rs. 15,000/- as costs to the respondent on or before 20.05.2023.

6. In view of the above, the present petition along with pending application is disposed of.

TUSHAR RAO GEDELA, J.

MAY 1, 2023/nd