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

Date of decision: 20.11.2023

+ **CM(M) 1058/2023, CM APPL. 34436/2023 & CM APPL. 34437/2023**

OM PRAKASH KHATRI

..... Petitioner

Through: Mr. Sunil Dalal, Senior Advocate
with Mr. C.M. Sangwan, Advocate
versus

RAHUL SEHDEV

..... Respondent

Through: Mr. Vijay Kinger, Advocate with
Respondent in person

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CORAM:

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

J U D G M E N T

MANMEET PRITAM SINGH ARORA, J (ORAL):

CM APPL. 34437/2023 (for exemption)

Allowed, subject to all just exceptions.

Accordingly, the present application stands disposed of.

CM(M) 1058/2023, CM APPL. 34436/2023

1. This petition filed under Article 227 of the Constitution of India impugns the orders dated 05.08.2022 and 23.03.2023 passed by the ADJ-02, Shahdara, Karkardooma Courts, Delhi ('Trial Court') in CS No. 489/2017, titled as '**Rahul Sehdev v. Om Prakash Khatri**', whereby the Trial Court closed the right of the defendant i.e., the Petitioner herein to cross-examine plaintiff witnesses and also dismissed the application filed by the defendant under Order XVIII Rule 17 of the Code of Civil Procedure, 1908 ('CPC').

2. After some arguments and with the consent of the of the parties, the



following directions are being passed.

2.1 The Petitioner herein will pay the Respondent costs of Rs. 50,000 before the Trial Court on 23.11.2023. Subject to the Petitioner paying costs, Petitioner's counsel will cross examine PW-1 and PW-2 on 23.11.2023 and complete the cross examination on the said date.

If for any reason the date of 23.11.2023 is not convenient to Trial Court for recording evidence of PW-1 and PW-2, the Petitioner will complete cross examination on the date convenient to the Trial Court.

2.2 The Petitioner will file the affidavit of defendant witness-1 ('DW-1') on 23.11.2023 before the Trial Court and hand over a copy to the counsel for the Respondent.

2.3 DW-1 will remain present for examination and cross examination on each date fixed by the Trial Court until he is discharged. The date for examination of DW-1 will be fixed on 23.11.2023.

3. It is made clear that if the Petitioner herein fails to comply with the timelines agreed to hereinabove; (i) his rights to cross examine PW-1 and PW-2 as well as; (ii) his right to lead evidence of DW-1 shall stand closed in terms of the orders passed by the Trial Court on record.

4. It is made clear that this is pre-emptory order and no application for enlargement of time will be entertained.

5. With the aforesaid directions, the present petition is disposed of. Pending application stands disposed of.

MANMEET PRITAM SINGH ARORA, J

NOVEMBER 20, 2023/msh/s

Click here to check corrigendum, if any