



2024:DHC:6931



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IN THE HIGH COURT OF DELHI AT NEW DELHI
% *Date of decision: 09th September, 2024*
+ CM(M) 1545/2023 & CM APPL. 48671-48673/2023

MOHD. REHAN

.....Petitioner

Through: Mr. I. Ahmed with Mr. S.D. Ansari,
Advocates.

versus

RAJINDER KUMAR SHARMA

.....Respondent

Through: Mr. Mahender Shukla, Advocate.

CORAM:**HON'BLE MR. JUSTICE MANOJ JAIN****J U D G M E N T (oral)**

1. Petitioner is plaintiff before the learned Trial Court and is aggrieved by order dated 24.04.2023 whereby his application seeking recall of order dated 22.11.2022 was dismissed and resultantly, his right to cross-examine DW-1 was closed.
2. This matter was taken up earlier by this Court on 05.10.2023 when the petitioner submitted that he would only seek one opportunity to cross-examine DW-1 and was also ready to compensate the respondent for causing delay. He volunteered to pay cost of Rs. 25,000/-
3. Thereafter, the notice was issued.
4. It is apprised that the matter is now fixed before the learned Trial Court tomorrow i.e. 10.09.2024 for final arguments.
5. Keeping in mind the overall facts and circumstances of the case and in particular the observations appearing in order dated 05.10.2023 passed by this



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Court, the present petition is disposed of with the direction that the learned Trial Court would give one effective opportunity to the plaintiff to cross examine DW-1. Subject to cost of Rs. 25,000/-.

6. Learned counsel for respondent states that since DW-1 is in his seventies, it may not be possible for him to come tomorrow, at such a short notice and, therefore, both the sides would seek appropriate date for cross examination of the DW-1 and the learned Trial Court would give date as per the convenience expressed by both the sides and also while keeping in mind its Board position.

7. However, the above said cost of Rs. 25,000/- be cleared by the plaintiff within one week from today.

8. The petition stands disposed of in aforesaid terms.

(MANOJ JAIN)
JUDGE

SEPTEMBER 9, 2024/sw