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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CM(M) 3477/2024**
RAJINDER BHANDARI

.....Petitioner

Through: Mr. Ankit Gupta, Advocate.

versus

VIJAY GAUR & ORS.

.....Respondent

Through: None.

CORAM:
HON'BLE MR. JUSTICE MANOJ JAIN

ORDER

% **25.09.2024**

CM APPL. 56571/2024 (Exemption)

Exemption allowed, subject to all just exceptions.

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1. Petitioner is plaintiff before the learned Trial Court and is aggrieved by order dated 6th July, 2024 whereby the learned Trial Court has permitted defendant No.1 to further cross-examine plaintiff (PW1) subject to cost.
2. It is contended that there was no requirement of permitting any such further cross-examination merely because some other defendant had refused to lead evidence.
3. It is also informed that thereafter the learned Trial Court had fixed up the matter for 24th July, 2024 for such cross-examination but the defendant No.1 sought a date and now the matter is fixed for 16th October, 2024.
4. After hearing the arguments for some time, learned counsel for the petitioner states that, without prejudice to his rights and contentions, he does

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not press the present petition but merely prays for a direction to the learned Trial Court to ensure that on the next date, such cross-examination is concluded as the matter is already delayed.

5. It is also informed that on the next date, the learned Trial Court has also fixed up one application for consideration which has been moved by respondent No.1 under Order I Rule 10 CPC seeking deletion of name of defendant No.6.

6. Nobody appears from the side of the defendant No.1 despite advance service.

7. Be that as it may, in view of the above, the present petition is disposed of as not pressed.

8. All the rights and contentions of the parties are reserved.

9. However, the learned Trial Court shall ensure that no further unnecessary adjournment is granted to defendant No.1 and would also ensure that defendant No.1 conducts such further cross-examine of plaintiff without any further delay and concludes the same preferably on the date fixed itself.

MANOJ JAIN, J

SEPTEMBER 25, 2024/ss