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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CM(M) 3734/2024 & CM APPL. 63560/2024**
PRAKASH CHAND NAGAR

.....Petitioner

Through: Mr. Vivek B. Saharya, Mr. Nishant
and Mr. Shubhit Malhotra, Advocates.

versus

RAKESH ARORA (DECEASED) THR LRS

.....Respondent

Through: Mr. Sarthak Gupta, Advocate.

CORAM:
HON'BLE MR. JUSTICE MANOJ JAIN

ORDER
28.10.2024

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CM APPL. 63561/2024 (Exemption)

Exemption allowed, subject to all just exceptions.

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1. Petitioner herein is defending a suit and is aggrieved by order dated 5th August, 2024 whereby his right to cross-examine plaintiff (PW1) has been closed.
2. Learned counsel for the respondent (plaintiff) appears on advance notice and states that, without prejudice to his rights and contentions, he would have no objection if one last opportunity is granted to petitioner (defendant) to cross-examine PW1 *albeit* subject to imposition of heavy cost.
3. Keeping in mind the overall facts and circumstances of the case and also keeping in note the concession given by Mr. Sarthak Gupta, learned counsel for respondent (plaintiff), the petition is allowed and defendant is

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given one last and final opportunity to cross-examine PW1, subject to Cost of Rs.10,000/-.

4. The case is fixed tomorrow before the learned Trial Court for remaining PE.

5. Let such cost be cleared tomorrow itself.

6. Learned Trial Court would be, however, at liberty to fix up appropriate date for aforesaid purposes i.e. for cross-examination of PW1.

MANOJ JAIN, J

OCTOBER 28, 2024/ss