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

+ **CM(M) 3782/2024**

SAROJ

.....Petitioner

Through: **Mr. Chirayu Jain, Adv.**

versus

MUNICIPAL CORPORATION OF DELHIRespondent

Through: **Ms. Sriparna Chatterjee, SC**
with Mr. Soumitra Chatterjee &
Mr. Manish, Adv.

CORAM:

HON'BLE MR. JUSTICE RAVINDER DUDEJA

ORDER

% **11.11.2024**

CM APPL. 65189/2024 (Exemption)

Allowed, subject to all just exceptions.

Application stands disposed of.

CM(M) 3782/2024 & CM APPL. 65188/2024 (Interim Relief)

1. The present petition has been filed impugning the order dated 21st March, 2024 whereby the Learned Presiding Officer in LIR No. 516/2016 dismissed the application filed by Workman for recalling the Management Witness No.1 [“MW-1”] for further cross-examination.
2. Learned counsel for the petitioner submits that certain important questions which were very much relevant and essential for determination of the matter could not be put to MW-1 during cross-examination.
3. The order of the Learned Trial Court reveals that the evidence by way of affidavit of MW-1 was filed on behalf of the Management on 07.06.2022. MW-1 was thereafter cross-examined at length on two



dates and such cross examination was concluded on 02.12.2022, the matter was then adjourned for final arguments. Even the arguments were addressed by both sides on 17.02.2023. It appears that the matter could not be disposed of only for the reason that certain legible documents were not placed on record by the parties and therefore workman/petitioner was directed to file the same, it was only thereafter that the application was filed by the workman/petitioner on 21st March 2024 for recall of MW-1 for cross-examination.

4. Learned counsel for the Respondent has informed the Court that arguments have already been concluded and the matter is listed today for orders by the Trial Court.

5. Having heard learned counsels for the parties and having perused the record, no justification is found for recall of MW-1 at such a belated stage. The Learned Trial Court has rightly observed that merely because there is a change of counsel, the same would not constitute a valid ground for recall of MW-1 for cross-examination.

6. There is no merit in the petition. Same is accordingly dismissed.

RAVINDER DUDEJA, J.

NOVEMBER 11, 2024 /sk