

18.05.2024

Present: Sh. Naresh Gupta, Ld. Counsel for the plaintiff a/w PW-1.
Sh. Rushant Malhotra, Proxy counsel for the defendant.

On the LDOH fixed for 27.04.2024, part cross-examination of PW-1 was conducted which got adjourned on the ground that the Ld. Counsel for the defendant prayed for deferment since he was busy in a time bound matter and at request, the matter was renotified for further cross-examination of PW-1 for today.

The aforesaid order was passed in the presence of and at the request of Ld. Counsel for the defendant.

Today, an application seeking an adjournment in the matter has been filed on the ground that a transfer petition seeking the transfer of the present matter from this Court to the Hon'ble High Court of Delhi is coming up for hearing on 26.05.2024.

It is pertinent to mention that no stay of proceedings of this court has been granted by the Hon'ble High Court of Delhi.

Since the witness is a senior citizen aged about 75 years is present. It is deemed appropriate that the said witness be cross-examined and the said cross-examination would in no way have any bearing upon the outcome of the decision of the transfer application.

Accordingly, the present application is dismissed.

It is submitted by the Ld. counsel for the defendant that he is not ready to cross-examine the said witness and an opportunity may be granted to cross-examine PW-1 on the NDOH.

Perusal of the ordersheet shows that PW-1 was examined-in-chief on 03.02.2024 and his cross-examination was deferred on the said date and the matter was thereafter listed for cross-examination of PW-1 on 27.04.2024 on which date, he was partly cross-examined and the matter was deferred at the request of the defendant who stated that he is unable to continue with the same as he is busy in a time bound matter and the matter was thereafter adjourned to 04.05.2024, on which date, the Presiding Officer being on leave, the present matter was listed for today.

Ld. Counsel for the defendant is specifically asked whether he can conduct the cross-examination at 2:00 PM today to which it is submitted that the same would not be conducted since the main counsel is not available.

In the facts and circumstances and in view of the conduct of the defendant who is not ready to cross-examine the witness who is present in the court today on one pretext or the other, it is deemed appropriate that the right to cross-examine the said witness be closed.

At this stage, proxy counsel for the defendant submits that they would cross-examine the witness at 2:00 PM. Accordingly, the order closing the right to further cross-examination of PW-1 is recalled.

Be put up at 2:00 PM.

(Sachin Sood)
DJ- 01 (Central),
THC, Delhi,18.05.2024

At 2:25 PM

Present: Sh. Naresh Gupta Ld Counsel for the plaintiff.
Sh. Rishab Jain Ld Counsel for the defendant.

PW-1 partly cross examined and his further cross examination is deferred on the request of Ld counsel for the defendant as he has to go to attend a matter before the court of Sh Sanjeev Aggarwal, Ld DJ Commercial, THC and he has been apprised that the court would accommodate the counsel for the defendant so that the cross-examination is conducted and the court is willing to sit even beyond the court hours.

Be awaited.

(Sachin Sood)
DJ-01 (Central)
THC, Delhi/18.05.2024

At 4:52 PM.

Present: Sh. Naresh Gupta Ld Counsel for the plaintiff.
Sh. Rishab Jain Ld Counsel for the defendant.

PW-1 partly cross examined and his further cross examination is deferred on the request of Ld counsel for the defendant at 4:52 PM who submits that he is not in a position to cross-examine the witness any further due to his busy schedule.

At request, re-notify the matter for further cross-examination of PW on **30.05.2024.**

(Sachin Sood)
DJ-01 (Central)
THC, Delhi/18.05.2024