

C.S. No. 1442/16

04.04.2018

Present: Counsel for plaintiff with plaintiff.

Sh. Sharad Kumar Kochar, counsel for defendant No. 1.

Sh. Parmesh Kumar, counsel for defendant No. 2.

Sh. Ajay Gautam, counsel for defendant No. 3, 4 and 5.

Plaintiff/ PW-1 is present for cross-examination. Counsel for defendant No. 2 and counsel for defendant No. 3, 4 and 5 do not intend to cross-examine the plaintiff/PW-1 on the ground that they are supporting the contention of plaintiff.

Counsel for defendant No. 1 submits that he intends to challenge the order pertaining to the marking of a document i.e. a photocopy of special power of attorney dated 09.09.2002 during cross-examination of PW-2 Sh. Akhilesh Chandra, UDC, from EDMC office. He submits that the said document ought to have been exhibited. He further submits that he could not challenge the said fact as his contention as recorded in the cross-examination of PW-2 was not found in the order sheet dated 06.03.2018 i.e. last date of hearing though it was dictated even in the order sheet.

I do not see any merit in the contention raised. In the interest of justice, one opportunity is granted further to cross-examine this witness as defendant No. 1 only appears to be a contesting party. Even in the earlier cost of Rs. 2000/- imposed earlier is not paid but is undertaken to be paid on the next date of hearing.

Counsel for plaintiff submits that there is no connection between the cross-examination of PW-1 with exhibition or marking of the documents during cross-examination of PW-2 and this is only a ploy to delay the

proceedings.

In the interest of justice, one opportunity is granted to cross-examine PW-1 subject to payment of further cost of Rs. 1000/-.

To come up for payment of entire cost of Rs. 3000/- and for cross-examination of PW-1, on 02.06.2018.

The date is fixed at the conveyance of counsel for defendant No. 1. Counsel for defendant No. 1 prays for copy of the order dasti. He is at liberty to apply for uncertified copy as per rules.

(VIPIN KUMAR RAI)
Additional District Judge-03
East District/KKD Courts/Delhi
04.04.2018

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