

CS DJ 264/19
GAURAV GANDHI Vs. S. GURDEEP SINGH

02.08.2024

Present: Sh. Matloob Alam, Counsel for plaintiffs with plaintiff No. 3.
Sh. Karnail Singh, Counsel for defendant No. 1 and LRs of
defendant No. 2 with defendant No. 1.
Sh. Bharat Ahuja, Counsel for defendant No. 3.
None for defendant No. 4.

An application u/sec 151 CPC filed on behalf of defendant No. 3 to cross examine DW-1. Copies supplied.

Counsel for defendant No. 1 has submitted that defendant No. 1 is present today and as such, defendant No. 1 does not have any objection if defendant No. 3 is permitted to cross examine him.

Counsel for plaintiffs has submitted that there is collusion between defendants and allowing cross examination of DW-1 will lead only to wastage of precious time of the court.

Counsel for defendant No. 3 has submitted that there is intra-se dispute between defendants qua monetary aspect and it will be in the interest of justice that by way of evidence, the same is elaborated before this court. He sought liberty to cross examine not only DW-1 but other witnesses of defendants No. 1 and 2 in case circumstances so arises. Heard.

In view submissions made by counsel for defendant No. 3, defendant No. 3 is permitted to cross examine DW-1 and other witnesses of defendants No. 1 and 2 in case circumstances so warrants. Application filed by defendant No. 3 stands allowed.

DW-1 is present today. He is cross examined on behalf of defendant No. 3 and discharged.

At this stage, an application filed on behalf of defendant No. 1 and LRs of defendant No. 2 U/o 16 r/w Section 151 CPC for taking on record list of witnesses filed on behalf of defendant. Copy supplied.

Counsel for plaintiffs has submitted that no reply to the aforesaid application is to be filed by plaintiffs and that he is ready for arguments straightaway. Heard.

Arguments on the aforesaid application addressed by respective counsels heard.

During course of arguments, counsel for plaintiffs submitted that defendants are trying to bring on record list of witnesses after closure of plaintiffs evidence which may prejudice case of plaintiffs.

Counsel for defendant No. 1 and LRs of defendant No. 2 has submitted that defendants do not have any objection if this court grants right to lead rebuttal evidence to plaintiffs in lieu of taking list of witnesses filed on behalf of defendants on record. Heard.

Counsel for plaintiffs has submitted that in view of submissions made by counsel for defendants, plaintiffs do not have any objection if list of witnesses filed on behalf of defendants is taken on record. Heard.

In view of respective submissions, aforesaid application filed by defendant No. 1 and LRs of deceased defendant No. 2 U/o 16 CPC is allowed. List of witnesses filed on behalf of defendants which

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is already on record is ordered to be taken on record.

Plaintiffs are permitted to lead rebuttal evidence after closure of DE in case circumstances so warrants.

Be put up for remaining defendant's evidence for **21.09.2024.**

(SONU AGNIHOTRI)
District Judge-07, SE/Saket/Delhi
02.08.2024