

04.12.2023

Present: Sh. Raj Kumar, Ld. Counsel for the plaintiff a/w PW-1.
Ms. Kulwant Kaur, Proxy counsel for the defendant a/w AR.

Proxy counsel for the defendant submits that the main counsel is not available today.

Perusal of the record shows that the matter continues to remain on PE since the year 2018.

The issues in the present matter have been framed on 08.11.2017.

The matter since the year-2018, has continuously been fixed for cross-examination of PW-1 despite last and final opportunities having been granted vide order dated 21.01.2020 and thereafter further opportunities subject to cost was granted vide order dated 06.10.2021 for the cross-examination of PW-1.

Even vide order dated 29.05.2023, one opportunity was granted to the defendant to cross-examine PW-1 subject to a cost of Rs. 3000/-.

Today also an adjournment is being sought on the ground that the main counsel is not available today.

Considering the overall facts and circumstances of the case, **the right to further cross-examine the PW-1 stands closed.**

Today remaining witnesses i.e. PW-2 and PW-3 are also present.

Perusal of the ordersheet dated 13.04.2022 shows that PW-2 and 3 were examined-in-chief and their cross-examination was deferred at the request of the defendant and who have not been examined till date since the passing of the order dated 29.08.2022.

In the interest of justice and subject to the payment of cost of Rs. 5000/-, list the matter for the cross-examination of PW-2 and PW-3 by way of last and final opportunity.

It is made clear that in case that the said witnesses are not cross-examined on the NDOH, the right to cross-examine the aforesaid witnesses shall also be closed.

PW-2 and PW-3 are bound down to appear in person on the NDOH.

List for cross-examination of PW-2 and PW-3 and also for the remaining PE on **26.02.2024.**

(Sachin Sood)
ADJ- 01 (Central),
THC, Delhi, 04.12.2023