

Civ DJ No.420/17

Joginder Pal Singh vs. Suman Bhasin & ors.

05.09.2022

Present : Sh Jatin Rana, ld. counsel for plaintiff.

Sh. H.K. Bedi, ld. counsel for defendant.

Counsel for defendant filed application under Section 151 CPC for recalling of order dated 19.05.2022 vide which, right of defendant to cross-examine PW-1 was closed due to non appearance of defendants. It is submitted that defendants noted the next date as 09.06.2022 instead of 19.05.2022 due to which neither they nor their counsel could appear before court which led to closure of their right to cross-examine PW-1. It submitted that non-appearance on behalf of defendants was neither intentional nor deliberate but due to wrong noting of date and miscommunication between defendants with their counsel. It is thus prayed that order dated 19.05.2022 may be set aside and defendants may be permitted to cross-examine PW-1.

Heard. Record perused.

In view of reason stated in the application and the fact that counsel for defendant has been engaged recently and previous counsel Sh. S.P. Batra has passed away, application is allowed and order dated 19.05.2022 is set aside.

Put up for cross-examination of PW-1 on **20.10.2022**.

(Manish Sharma)
Additional District Judge-01(West)
Tis Hazari Courts, Delhi