

SH SUBHASH CHANDER SABHARWAL Vs. THE STATE

20.07.2023

Present: Sh. R.K. Bedi, Id. Counsel for the petitioner.

Sh. Humraz Bir Singh, Id. Proxy counsel for Ms Priya Deep, Id.
Counsel for R-2.

Ms Sweety Gautam, Id. Proxy counsel for Sh. Sumit Mishra, Id.
Counsel for R-3.

The matter has been listed today for leading evidence on behalf of the petitioner. Affidavits in evidence of both the attesting witnesses have been filed. Advance copies of the same had already been supplied to Id. Counsel for respondent nos. 2 & 3 which fact is confirmed by Id. Proxy counsel appearing on behalf of R- 2 & R-3.

An application has been moved by R-3 under order XVI rule 1 read with order XVIII rule IIIA read with Section 151 CPC highlighting that petitioner has not filed list of witnesses and neither has the affidavit of petitioner been supplied. Consequently, directions are sought to be passed to the petitioner i.e. for supplying affidavit of the petitioner as also the list of witnesses. Copy of the application has been supplied to Id. Counsel for the petitioner who submits that except for the two attesting witnesses, no other witness shall be examined. Consequently, he submits that list of witnesses is also not required. In view of the statement of Id. Counsel for the petitioner the application does not call for any specific directions to be issued to the petitioner. Consequently, same is dismissed.

Contd. 2

Chief-examinations of PW-1 & PW-2 have been recorded. However, an adjournment has been sought on behalf of R-2 & R-3 since the arguing counsels are not available for either of the respondent. Both are stated to be in Saket Court today. I see no reason to adjourn the case without imposing cost, especially since the date was given as per the convenience of the counsel and also for the reason that one of the witness has travelled from Kurushetra and who is also a senior citizen. Adjournment is granted subject to cost(s) of Rs. 3,000/- each on respondent nos. 2 & 3. It is made clear that witness shall be permitted to cross-examine only when the cost(s) stands paid to the petitioner.

Put up on 17.11.2023 for cross-examination of PW- 2 & PW-3.
Both the witnesses are directed to be present on the next date.

(Dr. Ajay Gulati)
ADJ-02, WEST
20.07.2023

s