

## SH SUBHASH CHANDER SABHARWAL Vs. THE STATE

11.11.2024

Present: Sh. R.K. Bedi, Id. Counsel for the petitioner.  
Ms Priyadeep Id. Counsel for R-2  
Neither counsel nor R-3 is present.

The clerk Sh. Ramesh Kumar, of main counsel Sh. Soumitra Chaterjee for R-3 submits that main counsel is busy in the Hon'ble Supreme Court, in a part heard matter.

Id. Counsel for the plaintiff opposes the submission for deferring the cross-examination of PW-1 & PW-2. He further submitted that he has not been intimated about this fact before hand by Id. Counsel for R-3.

Case file perused.

On 20.7.2023, PW-1 & PW-2 were examined and their cross-examination was deferred on the request of Id. Counsel for R-2 & 3, subject to cost of Rs. 3,000/- each.

On 17.11.2023, PW-1 was partly cross-examined and his further cross-examination was deferred on the request of Id. Counsel for R-3.

On 2.12.2023, PW-1 & PW-2 were present in court but their cross-examination was deferred on the submissions made by Id. Counsel for R-2 that Id. counsel for R-3 is not well and she has been informed about this fact by Id. Counsel for R-3.

Vide order 2.12.2023, last opportunity was given to R-3 to cross-examine PW-1 & PW-2.

PW-1 & PW-2 are present in court for their cross-examination.

As per order 17 CPC, if ld. Counsel for any party is busy in another court, then this is not a valid ground for deferring the cross-examination of witnesses. Moreover, no application for adjournment has been moved today on behalf of main counsel for R-3, even details of the case in which ld. Counsel for R-3 is appearing today before the Hon'ble Supreme Court has not been provided.

In view of the above said facts, the court is not inclined to defer the cross-examination of PW-1 & PW-2. Right of R-3 to conduct cross-examination of PW-1 & PW-2 stands closed.

Ld. Counsel for R-2 submits that earlier ld. Counsel for R-3 was cross-examining both witnesses and she wanted to adopt that cross-examination. She further submits that due to above said facts, she is not ready today to cross-examine PW-1 & PW-2.

In view of the above said submissions, cross-examination of PW-1 & 2 on behalf of ld. Counsel for R-2 stands adjourned, subject to cost of Rs.2000/- each to be paid to PW-1 & PW-2. Last opportunity is given to ld. Counsel for R-2 to conclude the cross-examination of PW-1 & 2.

Put up for cross-examination of PW-1 & PW-2 on behalf of R-2 on 24.02.2025.

(SHIV KUMAR)  
District Judge-02, Court no.127,  
West Distt, Tis Hazari courts  
Delhi:11.11.2024