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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CM(M) 503/2023**

RAVINDRA NATH YADAV Petitioner
Through: **Mr. Ajay Kumar Singh, Adv.**

versus

NAND GOPL JHA Respondent
Through: **None**

CORAM:
HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

ORDER

28.03.2023

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[The proceeding has been conducted through Hybrid mode]

CM APPL. 15090/2023 (Exemption)

1. Exemption is allowed, subject to all just exceptions.
2. Application stands disposed of.

CM APPL. 15089/2023 (Calling TCR)

3. This is an application seeking direction to call for the Trial Court Record.
4. As and when required, the Trial Court Record shall be summoned.
5. In the meanwhile, there is no need for calling such record.
6. Application stands disposed.

CM APPL. 15091/2023 (Delay of 17 days in refiling the petition)

7. This is an application seeking condonation of delay in filing/re-filing the present petition.
8. For the reasons stated in the application, the application is



allowed. The delay of 17 days in re-filing the present petition is condoned.

9. The application is disposed of.

CM(M) 503/2023 & CM APPL. 15088/2023

10. The petitioner challenges the order dated 25.08.2022 as also the order dated 22.12.2022 in CS DJ 77241/16 titled '*Nand Gopal Jha Vs. Ravinder Nath Yadav*' whereby the right to cross examine the PW2 namely Sh. Mukesh Mittal was closed and the Trial Court proceeded with the trial as per Order 17 CPC, 1908. Vide the order dated 22.12.2022 an application under Order XVI r/w Section 151, CPC filed on behalf of petitioner/defendant was dismissed.

11. Issue notice. Upon petitioner taking steps within a week, notice may be served through all permissible modes. Additionally, through learned counsel appearing for the respondent before the learned Trial Court.

12. Reply, if any, be filed within four weeks. Rejoinder thereto, if any, be filed within four weeks thereafter.

13. In the meanwhile, learned Trial Court is requested to defer the proceedings stated to be listed on 01.04.2023 to a date beyond the date fixed by this Court.

14. List for consideration on 24.08.2023.

TUSHAR RAO GEDELA, J

MARCH 28, 2023/ms