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IN THE HIGH COURT OF DELHI AT NEW DELHI

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CS(OS) 631/2014 & I.A. 9994/2018

SANDIP SOMANY & ANR

..... Plaintiffs

Through: Mr. Manav Gupta, Ms. Esha Dutta &
Mr. Sahil Garg, Advocates (M-
9818022022).

versus

RAM NIWAS JINDAL & ORS

..... Defendants

Through: Mr. Avinash Trivedi, Advocate for D-
1(M-9871441764).
Ms. Anubha Agrawal, Advocate for
D-2&3 (M-9999750725).
Mr. Anil Kumar, Advocate for D-4
(M-9873593459).

CORAM:

JUSTICE PRATHIBA M. SINGH

ORDER

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05.10.2018

The Local Commissioner is currently recording evidence. It is seen that the evidence has been going on for a long time. Defendant No.1 has concluded the cross-examination of the PW-1. Ld. Counsel for Defendants No.2 and 3 submits that she would be concluding the cross-examination of PW-1 on Monday i.e. 8th October, 2018. Defendant No.4 needs one date as per learned counsel to close the cross-examination.

Accordingly, on the next date, Defendants No.2 and 3 shall conduct the cross-examination. One more date shall be fixed for cross-examination by Defendant No.4. After the cross-examination on these two dates, PW-1 shall automatically stand discharged.



Counsel for the Plaintiff wishes to cite judgments in support of the proposition that under Order XVI Rule 1(3), the Plaintiff would be entitled to summon a witness whose name has appeared only during cross-examination and is not mentioned in the list of witnesses or in the pleadings of both the parties.

List on 26th November, 2018.

PRATHIBA M. SINGH, J.

OCTOBER 05, 2018

Rahul