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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **CS(OS) 1164/2010**

ARVIND BHATNAGAR

..... Plaintiff

Through: Mr. Mahesh K Chaudhary &
Ms.Sushmita Chaudhary, Advs.

versus

RAM LAL ANAND COLLEGE & ANR

..... Defendants

Through: Ms. Savita Rustogi, Adv. for D-1.
Mr. Beenawhaw V Soni, Adv. for D-2.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

% **05.08.2019**

O.A. 39/2019

1. This chamber appeal assails the order dated 20th March, 2019 passed by learned Joint Registrar whereby the Plaintiff's right to cross examine DW-1 was closed and DW-1 was discharged. The said witness was under cross examination on 25th February, 2019 and was partly cross examined. Further examination of DW-1 was deferred as the witness wanted to produce certain documents. Thereafter, on 26th February, 2019 though the witness was present, but the Plaintiff's counsel did not appear despite repeated calls. Thereafter, the matter was listed for hearing on 20th March, 2019. On the said date again the Plaintiff's counsel was not present and since the witness was present, the learned Joint Registrar closed the right of the Plaintiff to cross examine the said witness. Learned counsel for the Plaintiff submits

that the on 20th March, 2019 the matter was shown in third supplementary list and was not circulated. This explanation is not convincing. Be that as it may, having regard to the fact that there is a single default on behalf of the counsel, the appeal is allowed the and order of learned Joint Registrar dated 23rd March, 2019 is set aside, subject to the payment of cost of Rs.10,000/- to be paid to the Defendants.

2. List before the Joint Registrar on 3rd September, 2019 for recording of Defendant's evidence.

3. Learned counsel for the Plaintiff assures that he would endeavour to complete the cross examination on the next date of hearing.

SANJEEV NARULA, J

AUGUST 05, 2019

Pallavi