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IN THE HIGH COURT OF DELHI AT NEW DELHI

CS(OS) 1780/2010

SMT. DEEKSHA KHULLER

.....Plaintiff

Through: Mr. N. K. Singh, Ms. Aliza Alam
& Mr. Mohnish Sehrawat, Adv.

versus

ASHOK CHOPRA & ORS

.....Defendants

Through: Mr. Harish Pandey, Mr. Kartik
Yadav & Mr. Esh Gupta, Adv.
for D-1
Ms. Shobhana Takiar, Adv. for
D-2
Mr. Shubham Budhiraja, Adv.
for D-3 (joined through VC)

CORAM:

**JOINT REGISTRAR (JUDICIAL) MS. PRIYA
MAHENDRA, (DHJS)**

ORDER

% **16.07.2024**

CS(OS) 1780/2010

At 12.15 p.m.

1. Mr. Ashok Chopra (DW1) is present today with original documents. At request of learned counsel for the plaintiff, the matter stands passed over at 2.00 p.m.

At 2.14 p.m.

2. Learned counsel for the plaintiff seeks adjournment on the ground that learned main counsel is busy in another court. The same is strongly opposed by learned counsel for the defendant no.1, who submits that DW1 is waiting since morning for his deposition. At the request of learned proxy counsel the plaintiff, the matter stands passed over for 2.30 p.m.

At 2.30 p.m.

3. At this stage, it is informed that the learned main counsel for the plaintiff is representing opposite side/ office of Principal District & Session Judge, Tis Hazari



Courts, Delhi in a personal matter filed by the undersigned and, therefore, it is submitted that this court may recue from this matter. The contention is vehemently opposed by learned counsel for the defendant no.1, who submits that his witness is present since morning and no such submission has been made in the pre-lunch session and pass over was sought on behalf of the plaintiff for 2 pm for cross-examination of the witness. Resultantly, DW1 is forced to remain present here since morning, whereas learned main counsel for the plaintiff has not appeared once in the court and is still not present in the court to cross-examine the witness & stated to be engaged in another court. He also urges that the question of recusal does not arise as this court is not to adjudicate or decide any matter touching the merits of the case and recording of evidence by this court will not impinge in any manner on the rights of the opposite side.

4. I have carefully considered the submissions and perused the records. The witness who is 72 years old, is present in the captioned matter since morning for his deposition. Learned main counsel for the plaintiff has not appeared for his cross-examination though it is already 2.37 pm. Moreover, the matter is pending disposal since the year 2010 and record also reflects that the plaintiff is not diligently pursuing this matter. As far as the conflict of interest as pointed out by learned counsel for the plaintiff, this court in the capacity of being a JR court is not going to adjudicate on any of issues involved in the present matter and to only record the evidence. So, as such ground of recusal is not made out specifically when this plea is only



raised post lunch when senior counsel for the plaintiff is stated to be not available being engaged in different court. So, no ground is made out to give further opportunity to the plaintiff to cross-examine the witness. However, solely, in the interest of justice and subject to imposition of cost of Rs.15,000/- upon the plaintiff to be paid to the witness, now the last and final opportunity is granted to the plaintiff to cross-examine DW1.

5. In view of submission made, copy of this order be also sent to worthy learned Registrar General of this court for information.

Re-notify the matter for further cross-examination of DW1 on 27th August, 2024 and 5th September, 2024 at 2 pm.

PRIYA MAHENDRA (DHJS)
JOINT REGISTRAR (JUDICIAL)

JULY 16, 2024/ab

[Click here to check corrigendum, if any](#)