

S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Crl) No(s).3651-3657/2013

(From the judgement and order dated 21/02/2013 in CRLM No.2782/2010,CRLM No.2783/2010CRLM No.2785/2010CRLM No.2786/2010CRLM No.2787/2010CRLM No.2788/2010CRLM No.2789/2010 of The HIGH COURT OF DELHI AT N. DELHI)

R N MALHOTRA

Petitioner(s)

VERSUS

BHUPESH KUMAR JAIN & ORS.

Respondent(s)

(With appln(s) for stay

Date: 14/03/2014 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE T.S. THAKUR  
HON'BLE MR. JUSTICE C. NAGAPPAN

For Petitioner(s) Mr. Chandra Prakash,Adv.sc63

For Respondent(s) Mr. R.S.Suri, Sr. Adv.  
Ms. Pallavi Tayal Chadda, Adv.  
Mr. Chanchal Kumar Ganguli,Adv.  
  
Mr. Pradeep Aggarwal, Adv.  
Mr. Ram Niwas, Adv.  
Mr. Lal Pratap Singh, Adv.  
Mr. Umesh Pratap Singh, Adv.  
Ms. Ruchi Kohli ,Adv

UPON hearing counsel the Court made the following  
O R D E R

Heard.

The solitary point urged before us by learned counsel for the petitioner is that the High Court did not consider the question of denial of an opportunity to the petitioner to lead evidence in defence although a grievance to that effect was made before the High Court. On behalf of

the respondents it was contended that no such point was ever urged before the High Court. Even so learned counsel for the respondents submitted that subject to such directions as may be issued by this Court to prevent any unnecessary procrastination of the matter, the petitioner can be allowed to adduce evidence in his defence.

In the circumstances, therefore, while we affirm the order passed by the High Court on other aspects, we direct that in case the petitioner files a list of witnesses within two weeks from today and deposits the diet money and other expenses for the witnesses and takes dasti summons for service upon them, the trial court shall summon the witnesses so enlisted and record their depositions. We make it clear that in case the petitioner commits any breach of the direction hereby issued, the trial court shall be free to close the defence evidence at any stage and proceed to hear and disposed of the matter on merits.

The special leave petitions are disposed of with the above

directions.

| (Shashi Sareen)  
| Court Master

| | (Veena Khera)  
| | Court Master

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