

\$~53(Appellate)

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

+ **CM(M) 424/2022**

PRITAM SINGH

..... Petitioner

Through: Mr. Bharat Arora and Mr.
Lakshay Raheja, Advs.

versus

ASHOK KUMAR MAKKAR

(SINCE DECEASED THROUGH HIS LRS)... Respondent

Through: Mr. Kush Sharma, Ms. Asiya
Khan, Mr. Vineet Nagar and Mr. Kshitiz
Ahuja, Advs.

CORAM:

HON'BLE MR. JUSTICE C.HARI SHANKAR

JUDGMENT(ORAL)

% **09.05.2022**

**CM(M) 424/2022, CM APPL. 21987/2022 (stay) and CM APPL.
21988/2022 (Exemption)**

1. The petitioner desires to summon Ms. Kamlesh Makhija and the Ahlmad/Record Keeper of the Court of Mr. Sunil Kumar, learned Metropolitan Magistrate, Tis Hazari Courts, Delhi, as two additional defence witnesses.

2. Learned Counsel for the respondent, in order to expedite proceedings, has very fairly suggested that, on the next date of hearing, i.e. 11th May, 2022, he shall make Ms. Kamlesh Makhija available, so that petitioner could examine her.

3. The petitioner, as the defendant before the learned Trial Court would examine her as an additional defence witness.

4. Insofar as the Ahlmad is concerned, permission had earlier been granted by the learned Additional District Judge (“the learned ADJ”) to summon the Ahlmad as an additional defence witness and, apparently, it was only because the correct Police Station had not been mentioned that the learned ADJ decided not to summon the Ahlmad any further.

5. To this, too, the learned Counsel for the respondent is agreeable to the Ahlmad being summoned for the next date when the matter is listed, i.e. 11th May, 2022 to be examined by the petitioner as an additional defence witness.

6. This petition is, accordingly, disposed of with a direction to the learned ADJ to summon the aforesaid Ahmad of the Court of Mr. Sunil Kumar, learned Metropolitan Magistrate, Tis Hazari Courts, Delhi and Ms. Kamlesh Makhija, for being examined as additional defence witnesses for 13th May, 2022.

7. Learned Counsel for the Respondent is agreeable to make Ms. Kamlesh Makhija available on the said date.

8. The learned ADJ is, accordingly, directed to issue necessary summons to the aforesaid defence witnesses on 11th May, 2022 when the matter is next listed.

9. It is made clear that no adjournment shall be taken by the petitioner either on 11th May, 2022 or on 13th May, 2022 and that the petitioner should be ready to examine the aforesaid two additional defence witnesses on 13th May, 2022.

10. The learned ADJ is requested to ensure that the suit is disposed of as expeditiously as possible.

11. Miscellaneous applications also stand disposed of.

12. Copy of this order be given *dasti* to learned Counsel for the parties under the signature of Court Master.

MAY 9, 2022
r.bararia

C.HARI SHANKAR, J

न्यायमेव जयते