

\$~59 & 60

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

% Judgment delivered on: 31.01.2023

+ CM(M) 1435/2018 & CM APP No. 49557/2018 (Stay)

WAKF KHAN BAHADUR NAWAB ABUL HASAN KHAN
..... Petitioner

versus

ISHWARI PRASAD CHATURVEDI (DECEASED)
THROUGH LRS & ORS Respondents

60

+ CM(M) 729/2019 & CM APP No. 22075/2019 (Stay)

SUDHIR SAREEN Petitioner

versus

ISHWARI PRASAD CHATURVEDI (SINCE DECEASED)
THR LRS & ORS Respondents

Advocates who appeared in this case:

For the Petitioner : Mr. Chirag Alagh, Advocate in CM(M)
1435/2018.
Mr. Pawan Mathur, Advocate in CM(M)
729/2019

For the Respondents : Mr. Navjot Kwatra, Advocate for R-1.

CORAM:

HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

JUDGMENT

TUSHAR RAO GEDELA, J. (ORAL)

[The proceeding has been conducted through Hybrid mode]

1. The petitioners in the present petitions challenging the order dated

19.11.2018 passed in Suit No. 8789/2016 titled '*Shri Ishwari Prasad Chaturvedi (Since Deceased) through LRs vs Wakf Khan Bahadur Nawab Abul Hasan Khan & Ors*', whereby the cross-examination of PW-1 namely Sh. A.K. Chaturvedi was closed on the ground that two opportunities were already given and the matter being one of the oldest, learned Trial Court deemed it appropriate that no further opportunity was required to be granted.

2. With consent of the counsel, on instructions of their parties, the impugned order is set aside and an opportunity to cross-examine PW-1 namely Sh. A.K. Chaturvedi is granted to the petitioners.

3. It is informed by the counsel for the parties that the next date of hearing before the learned Trial Court is fixed for 12.04.2023.

4. Learned Trial Court is directed to permit the petitioners i.e. defendant Nos.1 and 2 and defendant No.3 before the learned Trial Court to conduct cross-examination of PW-1 on and from 12.04.2023 onwards.

5. With the aforesaid directions, nothing survives for the petitions to adjudicate further. Accordingly, the petitions stand disposed of, with no order as to costs

TUSHAR RAO GEDELA, J .

JANUARY 31, 2023/१३