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

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TEST.CAS. 10/2016

MR SUBODH KUMAR

..... Petitioner

Through: Mr. Arun Birbal, Adv.

versus

THE STATE AND OTHERS

..... Respondents

Through: Ms. Nupur A Goswami, Adv. for  
R-2 (joined through VC)

Mr. Arjun Krishnan, Adv. for  
R-3 (Mob.9818368288)

**CORAM:**

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

**ORDER**

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**20.12.2023**

**IA No.24064/2023 under Order XVI Rule 1 CPC  
moved by the petitioner for summoning of the  
witness(es)**

At this stage, learned counsel for the petitioner submits that he wants to withdraw the captioned IA. Accordingly, the captioned IA stands disposed of as being withdrawn.

**IA No.21010/2023 under Order XVI Rule 1 CPC  
moved by the petitioner for summoning of the  
witness(es)**

Learned respective counsels for respondent no.2& respondent no.3 submit that they have no objection to the captioned IA.

Heard. In view of reasons mentioned in the application, captioned IA stands allowed to the extent that the witness(es) mentioned in the application be summoned to appear before the court with complete summoned records for the next date of hearing, on taking steps by the applicant/petitioner. Diet money to be paid at the spot. Accordingly, captioned IA stands disposed of.

**TEST.CAS. 10/2016**

Again Mr. S. K. Tiwari is not present for his



deposition today.

Learned counsels for respondent no.2&respondent no.3 jointly submit that despite sufficient opportunities, the petitioner has not taken any steps to examine Mr. S. K. Tiwari. So, it is urged that the right of the petitioner to examine Mr. S. K. Tiwari may be closed.

Heard. Record perused. No plausible explanation has been furnished by learned counsel for the petitioner for non-appearance of Mr. S. K. Tiwari/witness today. It be noted that vide order dated 29.05.2023, the last and final opportunity was granted to the petitioner to examine Mr. S. K. Tiwari subject to cost of Rs.2000/- to be deposited with Delhi High Court Legal Services Committee. As per office note, cost receipt filed by the petitioner is on record. However, the witness is again not present today for which no explanation is furnished.

Accordingly, the right of the petitioner to examine Mr. S. K. Tiwari is ordered to be closed.

Re-notify the matter for further PE on 10.04.2024.

**PRIYA MAHENDRA (DHJS)**  
**JOINT REGISTRAR (JUDICIAL)**  
**DECEMBER 20, 2023/ab**

*Click here to check corrigendum, if any*