

\$~33

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

% Judgment delivered on: 13.02.2023

+ CM(M) 221/2023

STANDARD CHARTERED BANK Petitioner

versus

SUPREME INFRATECH PVT LTD Respondent

Advocates who appeared in this case:

For the Petitioner : Mr. Sanjay Gupta and Mr. Amol Sharma, Advocates.

For the Respondent : Mr. Swetabh Sharma, Advocate

CORAM:

HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

JUDGMENT

TUSHAR RAO GEDELA, J. (ORAL)

[The proceeding has been conducted through Hybrid mode]

CM APPL. 6610/2023 (Exemption)

1. This is an application seeking exemption from filing legible copies of the annexures.
2. Exemption is allowed, subject to all just exceptions.
3. The application stands disposed of.

CM(M) 221/2023 & CM APPL. 6609/2023 (Stay)

4. The petitioner challenges the order dated 25.07.2022 passed in CS DJ 79017/2016 titled '*M/s Supreme Infratech Pvt. Ltd vs. Standard Chartered Bank*' whereby the learned Trial Court has closed the

opportunity to cross-examine witness PW-1 namely Sh. Vijay Kumar Goel, who was stated to be present on the date when the impugned order was passed.

5. Mr. Sanjay Gupta, learned counsel for the petitioner submits that the reason of the counsel being busy before this Court was already made before the learned Trial Court but was not considered and in a perfunctory manner, the Trial Court has rejected the opportunity to cross-examine the witness.

6. Learned counsel also submits that the examination of PW-1 was subject to the payment of costs, which was imposed upon the respondent/plaintiff and that the said cost imposed upon the respondent/plaintiff has not been paid till date. On that basis, learned counsel submits that the examination of PW-1 could not have taken place for that reason either.

7. Mr. Swetabh Sharma, learned counsel for the respondent defends the reasons stated in the impugned order and submits that there is no procedural impropriety for this Court to interfere under Article 227 of the Constitution of India.

8. Be that as it may, this Court is of the considered opinion that the opportunity to cross-examination, unless there has been an absolute laxity on the part of the petitioner/defendant, ought not to have been denied inasmuch as the right to cross-examine is an indelible right of party before the Civil Court.

9. In that view of the matter, the petition stands allowed, however, subject to a cost of Rs.20,000/- to be paid by the petitioner/defendant to the respondent/plaintiff on or before the next date of hearing fixed

before the learned Trial Court i.e.27.03.2023.

10. With the aforesaid directions, the petition stands disposed of.

11. Pending application also stands disposed of.

TUSHAR RAO GEDELA, J.

FEBRUARY 13, 2023

ॐ

