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

Date of decision: 12.09.2023

+ CM(M) 665/2023 & CM APPL.38192/2023

RAHUL PURI AND ORS

..... Petitioners

Through: Mr. Rishi Manchanda, Advocate.

Versus

SANJAY BANSAL

..... Respondent

Through: Mr. Rajesh Goswami, Advocate with
Respondent in person.

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CORAM:

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

J U D G M E N T

MANMEET PRITAM SINGH ARORA, J (ORAL):

1. This petition filed under Article 227 of Constitution of India impugns the order dated 18.03.2023 passed by the Principal District & Sessions Judge, South District, Saket Courts, New Delhi ('Trial Court') in civil suit no. 927/2017, granting permission to the Petitioner herein to recall and cross examine the PW-1 i.e., the plaintiff.

2. After some arguments learned counsel for the Petitioner seeks to withdraw this petition in so far as it challenges the order dated 18.03.2023 and seeks a limited relief of restoration of the permission to put suggestion to PW-1 as was permitted by the Trial Court initially on 18.03.2023.

2.1. He further states and undertakes that the Petitioner will restrict himself to ten (10) suggestions to the witness and he further states that the Petitioner will pay legal cost of Rs.25,000/- to the Respondent to compensate for the delay caused in the trial. He undertakes that no questions of fact will be put to



the PW-1 and he will also cross-examine PW-2.

3. The learned counsel for the Respondents states that the plaintiff i.e., PW-1 was extensively cross-examined by the Petitioner's counsel on 23.01.2019, 27.02.2019, 24.04.2019 and 17.03.2023. He states that thus, the impugned order dated 18.03.2023 was rightly passed by the Trial Court in view of the fact that the counsel for the Petitioner has put 'questions on facts' to the witness and not 'suggestions' and, therefore, the cross-examination was being conducted contrary to the liberty granted. He states, however, in view to expedite the trial and in the interest of justice he has no objection if the limited relief sought by the Petitioner on the terms suggested by this Court is granted.

3.1 The learned counsel for the Respondent states that PW-1 and PW-2 both shall remain present before the Trial Court on the next date of hearing. He states that in view of the order dated 04.11.2022 passed in CM(M) 830/2022 the Petitioner is bound to conclude the cross examination of PW-2 on the next date of hearing.

4. Accordingly, with the consent of the parties, the impugned order dated 18.03.2023 is modified to the limited extent of allowing the Petitioner to put 'suggestions' to the PW-1, which liberty was accorded by the Trial Court on 18.03.2023 in the initial part of the impugned order. The learned counsel for the Petitioner is granted limited liberty to put maximum ten (10) suggestions to the plaintiff i.e., PW-1. The Petitioner will also complete the cross examination PW-2 on the next date of hearing. The Petitioner will pay legal costs of Rs. 25,000/- to the Respondent before the commencement of the cross-examination of PW-1 on the next date of hearing.

5. The learned counsel for the Petitioner will ensure that cross-



examination of PW-1 is concluded and the cross-examination of PW-2 as well is carried out on the next date of hearing.

6. In case the Petitioner fails to abide by the directions set out in this order his right to cross examine PW-1 and PW-2 shall stand closed in view of the order dated 04.11.2022 passed in CM(M) 830/2022.

7. This Court has been informed that the next date of hearing before the Trial Court is 27.09.2023. At this stage, the learned counsel for the Petitioner states that he will file an appropriate application before the Trial Court for preponing the date as he is in some personal difficulty on the said date.

6.1 The learned counsel for the Respondent states that if such application is filed, he will not oppose the such request.

8. In view of the aforesaid directions and with the consent of the parties, the petition is allowed in the terms thereof. Pending application, if any, also stands disposed of.

MANMEET PRITAM SINGH ARORA
(JUDGE)

SEPTEMBER 12, 2023/mr/aa

[Click here to check corrigendum, if any](#)