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

% ***Date of decision: 29th July, 2024***

+ CM(M) 1915/2024 & CM APPL. 10095/2024

SAMSUNG INDIA ELECTRONICS PVT. LTD.

.....Petitioner

Through: Mr. Deepak Jaiswal, Advocate.

versus

SYNC IN DESIGN PVT LTD

.....Respondent

Through: Mr. Ashwini Kumar with Mr. Sohail Khan Mr. Jay Singh, Arbaaz Khan Mr. Sandeep Kumar Ms. Jyoti Khattar, Chetna Titiyal Mr. Kumar Gaurav and Mr. Prateek Garg

CORAM:

HON'BLE MR. JUSTICE MANOJ JAIN

J U D G M E N T (oral)

1. Petitioner is defendant before the learned Trial Court and his grievance is that his right to cross-examine the plaintiff was closed by the learned Trial Court on 27.01.2024.
2. It is contended that it was purely on account of the personal difficulty that the counsel for the petitioner could not appear on 27.01.2024 to cross-examine PW-1 and there was never any intention to delay or prolong the matter.
3. During the course of arguments, learned counsel for the respondent, who appears through *video conferencing* has stated that he would have no objection if one more opportunity is granted to the defendant to



cross-examine PW-1. Mr. Sohail Khan, learned counsel for respondent also states that since a personal reason has been assigned, he would not even insist for any imposition of cost.

4. Keeping in mind the overall facts and circumstances of the case and the concession given by Mr. Khan, present petition is disposed of with the direction that defendant would be entitled to one effective opportunity to cross-examine PW-1 i.e. Mr. Devesh Bhatia.

5. Learned Trial Court, after hearing both the sides, would fix up a date for the purposes of cross-examination of PW-1 Mr. Devesh Bhatia.

6. Petition stands disposed of in aforesaid terms.

(MANOJ JAIN)
JUDGE

JULY 29, 2024/sw