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

% ***Date of decision: 24th September, 2024***

+ CM(M) 3468/2024 & CM APPL. 56236-56237/2024

WEST WIND ENGINEERS PVT. LTD.Petitioner

Through: Mr. Vansh Gandotra with
Mr. Madhuresh Chaudhary,
Mr. Naman Sabharwal, Advocates.

versus

RAJESH MEDIRATTA S/O SH. K.C MEDIRATTA PROPRIETOR,
M/S SACHIDANAND INSULATIONSRespondent

Through: Mr. Balram Singh, Advocate.
(through V.C.)

CORAM:

HON'BLE MR. JUSTICE MANOJ JAIN

JUDGMENT (oral)

1. Petitioner is defendant before the learned Trial Court and is defending a commercial suit.
2. Its right to cross-examine the petitioner was closed as it could not cross-examine the plaintiff on a particular date. However, when an application was moved seeking recall of such order dated 21.08.2024, the learned Trial Court though granted it permission to conduct such cross-examination, *albeit*, subject to cost of Rs.25,000/-.
3. According to the learned counsel for the petitioner, since justifiable reason had been given, the learned Trial Court should not



have burdened him with such a heavy cost.

4. Sh. Balram Singh, learned counsel for the respondent/plaintiff has joined the proceedings through video conferencing and states that though the imposition of cost was justifiable yet in order to ensure that there is no further delay in the matter, he would have no objection if the cost is reduced.

5. Keeping in view the overall facts and circumstances of the case and also keeping in mind the gracious concession given by the learned counsel for the respondent/plaintiff, the cost is reduced to Rs.11,000/-. Let the cost be cleared before the learned Trial Court on the date fixed i.e. 21.10.2024.

6. It is also made clear that in future, the defendant/petitioner would extend his best cooperation and assistance to the learned Trial Court and would not seek any unnecessary adjournment.

7. The petition stands disposed of in the aforesaid terms.

(MANOJ JAIN)
JUDGE

SEPTEMBER 24, 2024/st