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

+ **CM(M) 3998/2024**

SURESH KUMAR

.....Petitioner

Through: **Mr. R.P.Luthra, Mr. Himanshu Luthra
and Mr. Pulkit Luthra, Adv.**

versus

AKHILESH SINGH

.....Respondent

Through:

CORAM:

HON'BLE MR. JUSTICE RAVINDER DUDEJA

ORDER

06.12.2024

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CM APPL. 71500/2024 (exemption)

Allowed, subject to all just exceptions.

The application stands disposed of.

CM(M) 3998/2024 & CM APPL. 71501/2024 (stay)

1. The petition assails the order dated 21.10.2024 passed by Learned District Judge-01 (West) in CIV DJ 7850/2016, whereby the respondent's application under Order XVIII Rule 17 CPC has been allowed and opportunity granted to the respondent to cross-examine PW-1.
2. Petitioner filed suit for recovery against the respondent under Order XXXVII CPC. Leave to defend was granted to the respondent.
3. Learned counsel for the petitioner submits that suit is pending since 2012 and respondent has availed several opportunities for cross-examination of PW-1 so much so cross-examination was closed three times by the court



order.

4. It is submitted that cross-examination of PW-1 was lastly closed on 22.11.2023. However, on an application under Order XVIII Rule 17 CPC, the court granted one more opportunity to the respondent to cross-examine PW-1 subject to costs of Rs.3000/-.

5. After part submissions, learned counsel submits that petitioner has no objection if only one opportunity is granted to the respondent to complete the cross-examination of PW-1.

6. In view of the above concession given by learned counsel, the petition is disposed of with direction that the respondent shall complete the cross-examination on the next date, which of course shall be subject to payment of cost as imposed by the learned Trial Court. It is made clear that in case Trial Court feels that cross-examination cannot be completed within the same day, it may continue the cross-examination on day to day basis only with further direction that respondent shall not seek any adjournment for the purpose of cross-examination on account of any reason.

7. A copy of the order be given *dasti* under the signatures of the Court Master.

RAVINDER DUDEJA, J

DECEMBER 6, 2024/ib