



2025:DHC:11089



the official witness summoned at request of defendant no.2 appeared but without records, so that witness was discharged, posting the matter to 24.08.2024 on an application for recall of earlier order dated 22.07.2024. On 24.08.2024, that application was disposed of and suit was listed for trial on 22.10.2024. On 22.10.2024, defendant no.2 filed a fresh application for summoning the above mentioned official witness but since, despite passover, main counsel for defendant no.2 did not appear, the learned trial court dismissed that application and closed cross-examination of PW1. Order dated 22.10.2024 was upheld by the learned trial court, by dismissing the review application by way of the impugned order.

3. I am unable to find any infirmity in the impugned order. There is nothing to explain as to why the official witness with record was not summoned prior to 22.10.2024.

4. However, solely in the interest of expeditious trial, learned counsel for respondent no.1/plaintiff submits that petitioner/defendant no.2 may be granted one and only one opportunity to conclude cross-examination of PW1, subject to heavy cost in addition to the cost already imposed by the trial court.

5. Under these circumstances, with consent of both sides, this petition and the accompanying application are disposed of, directing the petitioner/defendant no.2 to pay costs of Rs. 50,000/- to the respondent no.1/plaintiff within two weeks; both sides shall appear before the trial court

CM(M) 1050/2025

Page 2 of 3 pages

Signature Not Verified

Digitally Signed
By: NEETU N NAIR
Signing Date: 09.12.2025
18:10:36

GIRISH
KATHPALIA

Digitally signed by GIRISH KATHPALIA
DN: cn=GIRISH KATHPALIA, o=HIGH COURT OF DELHI,
ou=JUDGE, email=girish.kathpalia@delhihi.org, c=IN
Date: 2025.12.09 17:07:14 +05'30'



2025:DHC:11089



on the date already fixed i.e., 16.12.2025, when the learned trial court shall fix a fresh date for concluding cross-examination of PW1 by defendant no.2; the defendant no.2 shall ensure that the official witness appears with the records on the date fixed for cross-examination of PW1. It is made clear that one and only one opportunity shall be granted to petitioner/defendant no.2 to conclude cross-examination of PW1, whether or not the summoned record is produced.

**GIRISH
KATHPALIA**

Digitally signed by GIRISH KATHPALIA
DN: cn=IN, o=HIGH COURT OF DELHI,
2.5.4.20=8401dd889b27a77b2f65fffe4afe
c45569af3962c6fb4835d435f97626cacca,
ou=HIGH COURT OF DELHI, c=IN, o=HIGH COURT OF DELHI, cn=IN, o=HIGH COURT OF DELHI,
postalCode=110003, st=Delhi,
serialNumber=d3e86796451ec45c07b5d1
5570996b40f80cbd2ee660402c487065ff80
1e26fa, cn=GIRISH KATHPALIA
Date: 2025.12.09 17:07:41 +08'00'

**GIRISH KATHPALIA
(JUDGE)**

DECEMBER 09, 2025/*dr*

CM(M) 1050/2025

Page 3 of 3 pages

Signature Not Verified

Digitally Signed
By: NEETU N NAIR
Signing Date: 09.12.2025
18:10:36