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

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Date of Decision: 17th April, 2025

+ CM(M) 2920/2024 & CM APPL. 39235/2024

KURMAMOSES

.....Petitioner

Through: Mr. Neeraj Sharma, Advocate.

versus

SUNSPOT CAFE PRIVATE LIMITED

.....Respondent

Through: Mr. S S Tomar, Advocate.

CORAM:

HON'BLE MR. JUSTICE MANOJ JAIN

J U D G M E N T (oral)

1. The issue raised herein is a very short one.
2. The grievance of the petitioner has already been highlighted in order dated 15.07.2025 passed by this Court which records that petitioner, merely, seeks one opportunity to cross examine DW-1 and also one opportunity for leading its evidence in defence.
3. Mr. Tomar, learned counsel for respondent submits that, without prejudice to his rights and contentions, and in order to avoid any further unnecessary delay in the disposal of his own suit, the plaintiff would have no objection, if the abovesaid request is acceded to. He, however, submits that petitioner herein may also be directed to clear the unpaid cost and he also prays for imposition of further cost.
4. Keeping in mind the overall facts of the case and also keeping in mind the gracious concession given by Mr. Tomar, learned counsel for respondent, the present petition is allowed with direction that the learned Trial Court



would give one effective opportunity to the defendant to cross-examine PW-1. After such cross-examination, learned Trial Court shall also permit defendant to enter into witness box.

5. The matter is now fixed before learned Trial Court on 28.04.2025.

6. Defendant shall clear the unpaid cost and would also pay further cost of Rs. 10,000/- for causing delay in the matter. Let such cost be cleared on or before 28.04.2025.

7. Once the cost is paid, the learned trial Court shall give dates for the purposes of above said cross-examination and for examination of defendant and it is expected that the petitioner herein would adhere to the directions of the learned Trial Court so that there is no further delay in the matter.

8. Petition, along with pending application, stands disposed of in aforesaid terms.

(MANOJ JAIN)
JUDGE

APRIL 17, 2025/sw/pb