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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CM(M) 1508/2025 & CM APPL. 49574-49575/2025**

SURENDER KR SACHDEVA

.....Petitioner

Through: Mr. Vikram Saini and Mr. Naveen
Jain, Advocates

versus

M/S URVASHI INFRASTRUCTURE LTD

.....Respondent

Through: Ms. Rashmi Jain, Advocate (Through
VC)

CORAM:

HON'BLE MR. JUSTICE MANOJ JAIN

ORDER

12.08.2025

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1. Petitioner is defending a commercial suit and is aggrieved by order dated 10.07.2025 whereby learned Trial Court has dismissed his application seeking waiver of the cost and also another application whereby he was seeking direction to treat the limitation issue as a “*preliminary issue*”.
2. It is also noticed that while dismissing the aforesaid two applications, the learned Trial Court asked the defendant to cross-examine the witness in attendance but such cross-examination was refused to be conducted and, therefore, after discharging the aforesaid witness, plaintiff evidence has also been closed in affirmative.
3. Learned counsel for respondent joins the proceedings on advance notice through *videoconferencing*.
4. After hearing arguments for some time, learned counsel for petitioner submits that he does not press the present petition. He, however, submits that since he was contemplating filing a petition before this Court on account of dismissal of his application moved under Order XIV Rule 5 CPC, he did

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not cross-examine PW1 Mr. Akhil Kumar Beniwal that day. He, however, submits that he may be, at least, permitted to cross-examine said witness else he would be compelled to file another petition before this Court with the aforesaid request.

5. Learned counsel for respondent submits that she would have no objection if the aforesaid limited request of petitioner is allowed but she also submits that petitioner should be burdened with some cost as on previous occasion also, the witness went back without any cross-examination conducted by the defendant as would be apparent from one previous order dated 17.05.2025.

6. Keeping in mind the overall facts and circumstances of the case, the present petition is disposed of as not pressed and, simultaneously, petitioner the i.e. defendant is granted one last and final opportunity to cross-examine PW1 Mr. Akhil Kumar Beniwal.

7. Next date before the learned Trial Court is stated to be 13.08.2025 and on that day, learned Trial Court shall fix up a date for aforesaid cross-examination and this Court expects that defendant would come prepared for the purposes of cross-examining the aforesaid witness on the said date to be given by learned Trial Court.

8. For causing delay in the matter, petitioner is burdened with another cost of Rs. 8,000/- which he would clear on the next date before the learned Trial Court. Such cost shall be payable to the respondent/plaintiff.

9. Pending applications also stand disposed of in aforesaid terms.

MANOJ JAIN, J

AUGUST 12, 2025/dr/shs