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

+ **CRL.REV.P.(MAT.) 534/2025, CRL.M.A. 35851/2025**

NARINDER VERMA

....Petitioner

Through: Mr. Kaushal Yadav, Mr. Nandlal
Kumar Mishra and Ms. Nainia Garg,
Advocates.

versus

SMT. VANDANA VERMA & ORS.

.....Respondents

Through: Mr. Manish Kumar, Mr. Swayam
Sabhnani and Mr. Anil Kumar,
Advocates.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

08.12.2025

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1. The Petitioner is aggrieved by orders dated 27th September, 2025 and 30th October, 2025, whereby the Petitioner's opportunity to cross examine PW-1 and to lead defence evidence has been closed.

2. The order dated 27th September, 2025 reveals that on an earlier occasion, i.e., 26th July, 2025, the Trial Court had granted yet again an opportunity to the Respondent to cross-examine PW-1, subject to payment of costs of INR 10,000/-. However, since the Petitioner's counsel did not avail the opportunity, the right was closed. Subsequently, on 30th October, 2025, the Court also proceeded to close the Petitioner's right to lead evidence in the following terms:

"Fresh Vakalatnama has been filed on behalf of petitioner. Taken on record."



An application under Order XVIII Rule 17 read with Section 151 CPC has been oved on behalf of Respondent.

Copy thereof has been supplied to Ld. Counsel for petitioner.

Submissions heard.

It has been submitted by Ld. Counsel for respondent that the respondent was being represented earlier by a Counsel who was suffering from some kind of Neurological problem and was not in a position to conduct the matter. It has been submitted that for this reason, around 10 days before last date of hearing, present Counsel was engaged. It has been submitted that considering the voluminous record, he could not get certified copy thereof in time. It has been submitted that the cross-examination of petitioner could not be conducted on 22.09.2025 for this reason. Prayer has been made for grant of another opportunity for doing the needful. It has been submitted that respondent was unable to appear before the Court today as visit of a team of Accreditation Bureau from Delhi was scheduled in his Educational institution in between 31st October to 2nd November, 2025 and all the teaching staff has been directed to remain present there.

Ld. Counsel for petitioner has submitted that he has been engaged today only and that the copy of the application has been supplied to him just now.

On query, it has been submitted by petitioner that she was not paid the cost on last date. It has been submitted that respondent was in arrears of maintenance running into several lacs.

Record shows that the right of respondent to cross-examine PW1 was closed vide order dated 29.01.2025. He was granted one opportunity for doing the needful on an application under Order XVIII Rule 17 moved on his behalf vide order dated 26.07.2025. However, same was not availed on the next date i.e., 27.09.2025. Accordingly, his right was again closed.

The ground taken by respondent in the present application is that cross-examination of PW-1 could not be done on 27.09.2025 because earlier Counsel was unable to conduct the matter due to his physical condition and the present Counsel was engaged few days before 27.09.2025.

The Court is not satisfied with the explanation being given on behalf of respondent as necessary particulars pertaining to earlier Counsel/ his illness have not been brought on record. It is to be noted that the application is not even bearing original signature of the Counsel for respondent.

Considering the above, the application stands dismissed.

This Court is unable to see any justifiable reason for non-appearance of respondent for leading RE. Ld. Counsel for respondent has handed over print out of an e-mail dated 22.09.2025 as per which, the visit of team from Accreditation Bureau, Delhi was scheduled in Shoolini University of Bio-technology & Management Sciences, Solan, HP from 31st October to 2nd November, 2025. Same in itself was not sufficient to justify non-appearance of respondent today to lead evidence as the team would



*visit his educational institution tomorrow onwards.
Accordingly, RE stands closed.
Put up for final arguments on 11.12.2025.”*

3. Counsel for the Petitioner submits that the lapse on their part was largely due to the medical condition of the counsel, who was suffering from a neurological problem. In such circumstances, the Petitioner's rights ought not to be prejudiced.

4. Counsel for the Respondents, on the other hand, submits that the Petitioner has been unnecessarily delaying the proceedings. He points out that the Trial Court has granted indulgences on multiple occasions to cross-examine PW-1 and to lead evidence. The imposition of costs also did not deter the delays. He submits that if this Court is inclined to afford the Petitioner another opportunity, the same should be subject to substantial costs to compensate the Respondents.

5. In light of the submissions of both parties, and considering that the Petitioner's rights are involved, and that some lapse occurred on account of the Petitioner's counsel's medical condition, the present petition is disposed of, setting aside the impugned orders, with the following directions:

- a. The Petitioner shall pay a cost of INR 30,000/- to the Respondents within a period of one week from today.
- b. The Petitioner shall cross examine PW-1 on a date to be fixed by the Trial Court, and shall conclude the cross examination on the said date.
- c. The Petitioner shall not seek any unnecessary adjournments before the Trial Court. In case of any further delay caused by the Petitioner or his counsel, the Trial Court shall be at liberty to pass appropriate orders in accordance with law.



d. The Respondents, shall after the conclusion of the Petitioner's evidence, lead their evidence without delay, as per the timelines to be fixed by the Trial Court.

6. With the above directions, the present petition is disposed of along with any pending application.

SANJEEV NARULA, J

DECEMBER 8, 2025

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