



+ CM(M) 2345/2025, CM APPL. 75974/2025 & CM APPL. 75975/2025

MANJU MEHRA & ANR.

.....Petitioners

Through: Mr. Pramod Ahuja, Advocate
(*through videoconferencing*)

versus

DEV PRATAP SEONIE (SINCE DECEASED)

THROUGH LRS. AND ORS.

.....Respondents

Through: Mr. Shakeel Sarwar Wani and Mr.
Imbisaat Liyaqat, Advocates

CORAM: JUSTICE GIRISH KATHPALIA

ORDER (ORAL)

1. Petitioners have assailed orders dated 25.09.2025 and 04.11.2025 of the learned trial court, whereby evidence of RW-3 was closed after part cross-examination because the witness would not appear. As regards the default on the part of RW-3 in appearing, the contention of learned counsel for petitioners is that he had an understanding with learned counsel for the present respondents that they would take adjournment on the day fixed, but subsequently learned counsel for the present respondents denied any such understanding.

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2025:DHC:10808



2. In the above backdrop, I do not find any infirmity in the impugned order.
3. Learned counsel for respondents appearing on advance intimation accepts notice and strongly supports the impugned order.
4. However, after some discussion, learned counsel for both sides submit that the present petition may be disposed of granting one and only one opportunity to the present petitioners to produce RW-3 for the remaining cross-examination subject to the petitioners paying cost of Rs. 25,000/- to respondents through counsel within one week from today and the impugned order may be upheld.
5. Accordingly, as requested by both sides, the petition and the accompanying applications are disposed of directing that within one week from today, the petitioners shall pay cost of Rs. 25,000/- to respondents through counsel; that both sides shall appear before the learned trial court on the date already fixed, i.e., 09.12.2025 and the learned trial court shall fix fresh date for further cross-examination of RW-3 according to the convenience of the court; that it is made clear that one and only one opportunity to conclude cross-examination of RW-3 shall be granted; and that in case the cost is not paid within one week, there shall be no further cross-examination of RW-3. At request of learned counsel for petitioners, it is also directed that learned counsel for respondents shall furnish his bank



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details through WhatsApp today itself to learned counsel for petitioners.

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**GIRISH KATHPALIA
(JUDGE)**

DECEMBER 03, 2025/rs

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