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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CM(M) 8/2025 & CM APPL. 13560/2025 FOR DIRECTIONS**
M/S MONTELPetitioner

Through: Mr. Nishant Anand, Ms. Gunjab
Bansal Anand and Mr. Abhishek
Gupta, Advocates.

versus

M/S THANDI RAM JAI NARAINRespondent
Through: Mr. Shubham Sharma, Advocate.

CORAM:
HON'BLE MR. JUSTICE RAVINDER DUDEJA

ORDER
06.03.2025

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1. The Court takes note of the order dated 07.01.2025, wherein directions were issued to the trial Court to adjourn the hearing of final arguments to a date subsequent to the date fixed by this Court. However, no such directions were issued on 12.02.2025.
2. Learned counsel for petitioner submits that matter is listed before the trial Court for final arguments today and in the absence of any directions from this Court, there is likelihood that matter will be heard today and that being so, the present petition may become infructuous.
3. Mr. Shubham Sharma, learned counsel representing the respondent submits that he has no objection in case the petition be taken up for final disposal today. He further submits that he has been duly authorized by the respondent to appear in the present proceedings and he would file his



vakalatnama during the course of the day.

4. At joint request, the petition is taken up for final disposal.
5. The petition challenges the order dated 18.12.2024, passed by the learned trial Court. By the impugned order, the trial Court has closed the right of the petitioner to cross-examine DW-1.
6. Learned counsel for the petitioner invites the attention of the Court to the order dated 17.12.2024, passed by the trial Court, which reveals that respondent filed the affidavit of evidence and provided the copy of the same to the petitioner on that day. The cross-examination of DW-1 was then deferred to 18.12.2024.
7. The order dated 18.12.2024 reads as under:-

“Case is fixed for cross examination of DW1.
DW1 is present however Ld. Counsel for the plaintiff submits that he will not be able to cross examine the witness today on following grounds:
1. Copy of evidence affidavit of DW1 has been supplied yesterday only.
2. He has another two matters for final arguments on other courts.
3. He has already informed the counsel for defendant in advance in this regard.
I have considered the submissions.
The matter was adjourned for cross examination from yesterday.
The case is one of the 20 oldest matters of this court therefore no ground is made out for giving adjournment and only pass over can be given.
Ld. Counsel for the plaintiff is offered to take pass over even till 2:00 pm today but he refused and only seeks adjournment therefore plaintiff’s right to cross examine DW1 is hereby closed.
Put up for final arguments on 7.1.2025.”
8. Learned counsel for petitioner submits that he could not prepare for cross examination as the time was short and he had two more matters listed for final arguments on 18.12.2024.
9. Learned counsel for respondent states that petitioner was well aware in advance about the dates for evidence, as the same were determined in



case management hearing, and therefore, it was incumbent upon the petitioner to be ready for cross examination. However, he states that he has no objection in case the petitioner is granted one more opportunity to cross examine DW-1 subject to cost.

10. The Court appreciates the concern of the learned trial Court to expedite the case as it was one of the 20 oldest matters pending before it. However, it must be noted that right to cross examine is a valuable right and if not granted, the petitioner may suffer prejudice. In order to expedite the proceedings, the trial Court could have granted short adjournment so that the lis between the parties is decided on merits.

11. Keeping in view the entire facts and circumstances as also the concession granted by learned counsel for respondent, petition is allowed and impugned order dated 18.12.2024 is set aside subject to cost of Rs. 10,000/- with direction that petitioner shall get only one opportunity to cross examine DW-1.

12. It is clarified that petitioner shall not seek any further adjournment for cross examination of DW-1 on account of any reason whatsoever.

13. With the consent of both the parties, it is directed that cross examination of DW-1 be conducted before the trial court on 27.03.2025.

14. Respondent shall ensure that DW-1 is produced on that day for cross-examination.

RAVINDER DUDEJA, J

MARCH 6, 2025/vd