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IN THE HIGH COURT OF DELHI AT NEW DELHI

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CRL.M.C. 9061/2025 & CRL.M.A. 37923/2025,
CRL.M.A. 37924/2025

SMT. SHIKSHA RATHOR

.....Petitioner

Through: Mr. Rajesh K. Singh and
Mr. Varun Thakur, Advs.

versus

M/S MGS VAUTS PVT. LTD

.....Respondent

Through:

CORAM:

HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER

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18.12.2025

1. By the present petition, the petitioner prays as under :

- a) *Accept the present petition of the petitioner and quash/set aside the impugned order dated 03.09.2025 passed by the Court of Sh. Divyam Lila, LD. JMFC, East District, Karkardooma Courts, Delhi in case Ct. Cases 2797/2017, titled as "M/s MGS Vauts Pvt. Ltd. Vs. Shiksha Rathore" and further be pleased to allow the petitioner to cross examine CW-1 Sh. Janardan Gupta, in the interest of justice;*
- b) *Call for the Trial Court record;*
- c) *Any other direction / relief which this Hon'ble Court may deem fit and proper be also passed in the facts and circumstances of the matter, in the interest of justice;*

2. The petitioner is essentially aggrieved by the order dated 03.09.2025 (hereafter '**impugned order**'), passed by the learned Presiding Officer in CT Cases 2797/2017, to the extent that the petitioner's right to cross-examine CW-1 was closed.

3. The learned counsel for the petitioner submits that the right to cross-examine was closed since the cost imposed on the petitioner could not be paid on the said date.

4. He submits that due to financial problems, the petitioner



could not carry the cost amount that day and the learned Presiding Officer ought to have given one more opportunity.

5. Considering the limited relief sought by the petitioner, this Court is inclined to pass an order without issuing notice to the respondent.

6. Further, considering that not much time has elapsed since the passing of the impugned order and taking note of the fact that if the petitioner had paid the cost on 03.09.2025, he would have been permitted to cross-examine CW-1, purely in the interest of justice, the present petition is allowed and the impugned order to the extent that it closes the right of the petitioner to cross-examine CW-1, is set aside on the petitioner compensating the witness and also paying the cost imposed earlier by the learned Trial Court on the next date of hearing before the learned Trial Court.

7. It is informed that the matter is listed before the learned Trial Court on 22.12.2025.

8. The learned Trial Court is directed to grant one opportunity to the petitioner to cross-examine CW-1, on payment of a further cost of ₹10,000/- by the petitioner payable to CW-1 in addition to the cost of ₹12,000/- imposed on the earlier occasion by the learned Trial Court.

9. The present petition is disposed of with the aforesaid observations. Pending applications also stand disposed of.

AMIT MAHAJAN, J

DECEMBER 18, 2025 / 'KDK'