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

+ **FAO(OS) (COMM) 214/2025**

SH SURENDER GUPTA

.....Appellant

Through: Mr. P.S. Bindra, Sr. Adv. with Mr.
Abhishek Agarwal, Ms. Kashish
Narang, Mr. Sumit Kumar, Advs.

versus

VARUN VEER SINGH & ANR.

.....Respondents

Through: Dr. L.S. Chaudhary with Dr. Ajay
Chaudhary, Mr. Bharat Chaudhary,
Ms. Vinita & Ms. Monika, Advs.

CORAM:

HON'BLE MR. JUSTICE DINESH MEHTA

HON'BLE MR. JUSTICE VIMAL KUMAR YADAV

ORDER

24.12.2025

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CM APPL. 82180/2025 (exemption)

1. Allowed, subject to all just exceptions.
2. Application stands disposed of.

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3. Learned senior counsel appearing for appellant has submitted that learned Joint Registrar so also learned Single Judge has committed an error of law in passing the orders dated 14.10.2025 and 17.11.2025 in CS(COMM) 49/2021 and eschewing the appellant's right to cross-examine PW-2.
4. Heard.
5. After arguing for some time, learned counsel for the respondents



considering the undertaking given by learned counsel for the appellant that the appellant shall not seek any further adjournment, has fairly conceded that the right to cross-examine PW-2 be allowed to the appellant, however, subject to condition that he will not only cross-examine PW-3 (the date already fixed) and PW-2 today itself but also complete the cross-examination today itself and he prayed that such indulgence be granted, subject to payment of reasonable cost, which this Court deems it appropriate to award to the respondents.

6. Having regard the fairness expressed by learned counsel for the respondents, we hereby allow the appeal and grant a last opportunity to the appellant to cross-examine PW-2 and PW-3 today itself. The same shall be over today itself, subject of course to, the other essential business, which the Joint Registrar (Judicial) of the court is entrusted. The appellant has to pay the cost of Rs.1 lakh before the next date of hearing to the respondents/respondents' counsel, failing which, the proceedings qua the appellant shall stand closed.

7. The appeal is allowed as indicated above.

8. In case, PW-2, who comes from Jammu is not available in the Court today, learned Joint Registrar shall fix a new date in the first week of January, 2026 itself on which date his cross-examination shall take place.

DINESH MEHTA, J.

VIMAL KUMAR YADAV, J.

DECEMBER 24, 2025/ck