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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CM(M)-IPD 9/2026, CM 39/2026 & CM 40/2026**

RAJESH SULTANIA & ANR.Petitioners
Through: Mr. Pankaj Kumar, Advocate.
versus

ARUN KUMAR MURARKARespondent
Through:

CORAM:
HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

ORDER
06.02.2026

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1. This is a petition under Article 227 of the Constitution of India seeking setting aside of the order dated 07.01.2026 passed by the learned District Judge (Commercial Court)-05, Central, Tis Hazari Courts, Delhi in CS(COMM) No. 3017/2021, to the limited extent of closure of defendant's (DW1) evidence without complete consideration of the documents exhibited and already on record, it further seeks direction for limited re-examination and consequential cross-examination of DW-1.
2. This Court has heard the arguments of the learned counsel for the parties.
3. The learned Trial Court in the order dated 07.01.2026 nowhere notes any of the grievances now raised by the petitioner herein since it appears to be an innocuous order only, noting the proceedings of the day.
4. This Court has also perused the cross-examination of witness DW-1 commencing from page 140 of the petition. It is noted that all the Exhibits of DW1/1 to DW1/12 were tendered by the witness, out of which certain documents were objected to by the learned counsel for the respondent/plaintiff being photocopies, which are enumerated at page no.140.



5. Learned counsel for the petitioner submits that during the cross-examination the learned Trial Court did not permit the witness to point out the documents on which the petitioner was relying, while answering the questions put to him by the learned counsel for the respondent/plaintiff. The primary grievance of the learned counsel is that in case the learned Trial Court does not permit the witness to point out the pages of documents that he is relying on, it may prejudice this case.

6. This Court has perused the cross-examination of DW-1. After having examined the same, this Court is unable to appreciate the arguments addressed by the learned counsel for the petitioner, for the reason that wherever it was required the references to the exhibits was correctly mentioned and noted in the said cross-examination itself. In fact, this Court notes that in the cross-examination even the voluntary statement of DW-1 were also noted as and when it was deemed appropriate.

7. On an overall appreciation of the cross-examination of DW-1, this Court is unable to appreciate the contentions put forth today by the learned counsel for the petitioner.

8. In that view of the matter, the Court is not inclined to interfere with, either the order dated 07.01.2026 or the cross-examination of the DW-1 as no procedural irregularity or illegality is found.

9. Therefore, the petition being bereft of merits is dismissed.

TUSHAR RAO GEDELA, J

FEBRUARY 6, 2026

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