



2026:DHC:4084



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

Date of Decision: 08th May, 2026

+ CM(M) 499/2026, CM APPL. 15152/2026 & CM APPL. 15154/2026
DAV COLLEGE TRUST AND MANAGING SOCIETY & ANR.

.....Petitioners

Through: Mr. Rakesh Mittal and Mr. Ajay
Harshana, Advocates.

versus

DELHI DEVELOPMENT AUTHORITY & ANR.Respondents

Through: Ms. Prabhsahay Kaur, SC with Mr.
Kamlendu Pandey and Ms. Aryana
Sharma, Advocates for R-1.
Mr. K.K. Aggarwal, Ms. Gayatri
Aggarwal and Mr. S. Dass, Advocates
for R-2.

CORAM:

HON'BLE MR. JUSTICE RAJNEESH KUMAR GUPTA

ORDER (Oral)

Rajneesh Kumar Gupta, J.

1. This hearing has been conducted through hybrid mode.
2. The present petition has been filed by the petitioners/plaintiffs under Article 227 of the Constitution of India, assailing the order dated 31st January, 2026, passed by the learned Trial Court in CS DJ No. 77678/2016, whereby the petitioners right to cross-examine D2W1 has been closed.
3. Heard. Record perused.
4. Learned counsel for the petitioners has argued that the trial Court has passed the impugned orders on surmises and conjectures which is against the

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facts and law. D2W1 is a material witness of the case and he could not be cross-examined by the petitioners on account of the pendency of the petition bearing C.M.(M) No. 309/2026. If opportunity to cross-examine the said witness is not granted, grave prejudice would be caused to the petitioners.

5. *Per contra*, learned Counsel for the respondents/defendants submits that sufficient opportunities have already been granted by the learned Trial Court to the petitioners to cross-examine D2W1. Despite the same, the petitioners have failed to cross-examine D2W1. It is further submitted that the present petition has been filed only to delay the trial proceedings and is liable to be dismissed.

6. A perusal of the record shows that the matter is still at the stage of the evidence of the respondent. Keeping in view the facts and circumstances of the case, this Court is of the view that it would be in the interest of justice, if one more opportunity is granted to the petitioners to cross-examine D2W1, as the respondents can be compensated with costs.

7. Accordingly, one more opportunity is granted to the petitioners to cross-examine D2W1, subject to payment of costs of Rs. 2,000/- (Rupees Two Thousand Only) to the respondents.

8. It shall be open to the learned Trial Court to allow cross-examination of D2W1 on the date already fixed or on any other date as may be convenient to the learned Trial Court.

9. The present petition is disposed of in the above terms. Pending application(s), if any, also stand disposed of.

RAJNEESH KUMAR GUPTA, J

MAY 08, 2026/v/isk