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

+ C.R.P. 161/2026, CM APPL. 36397/2026 CM APPL. 36398/2026

BALAPetitioner

Through: Mr. Akash Gahlot, Proxy Counsel.

versus

SURINDER KAUR MATTARespondent

Through: Ms. Kanupriya Tyagi, Proxy Counsel.

CORAM:

HON'BLE MR. JUSTICE ANISH DAYAL

ORDER

% **25.05.2026**

Lawyers are abstaining from appearing in the Court today.

1. This petition has been filed challenging the impugned order dated 27th January 2026, whereby the right of petitioner/defendant to cross-examine plaintiff's witness was closed.
2. Proxy counsel for petitioner stated that the issues were framed on 21st April 2025.
3. On 11th August 2025, plaintiff had sought an adjournment and the examination-in-chief was to be recorded on 17th November 2025. On 17th November 2025, the petitioner/ defendant could not appear.
4. On 27th January 2026, they moved an application under Order VII Rule 11 Code of Civil Procedure, 1908 ('**CPC**'), which was dismissed by an order of the same date. However, the right of the petitioner to cross-examine plaintiff's witness stood closed.
5. No doubt, the Trial Court has been strict with regard to the



adjournment sought by petitioner/defendant for cross-examination. However, considering that the application under Order VII Rule 11 CPC now stands dismissed and the matter is listed before the Trial Court on 01st June 2026 for defendant's evidence, the cross-examination of the plaintiff's witness shall also be recorded on the same day.

6. It is clarified that counsel for petitioner/defendant will not seek any adjournment on 01st June 2026 with respect to cross-examination or placing defendant's evidence.

7. Petitioner/ defendant shall pay the cost of Rs.5,000/- imposed by the Trial Court on 01st June 2026.

8. Accordingly, the petition is disposed of.

9. Pending applications, if any, are rendered infructuous.

10. Order be uploaded on the website of this Court.

ANISH DAYAL, J

MAY 25, 2026/MK/zb