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

% ***Date of Decision: 02nd May, 2025***

+ **CM(M) 226/2024 & CM APPL. 7030/2024 & CM APPL. 17700/2024**

DR DONALDS PROMOTERS AND DEVELOPERS PVT. LTD.

.....Petitioner

Through: Mr. Anirudh Bakhru, Mr. Ayush Puri,
Ms. Archita Mahlawat, Mr. Mohd.
Umar, Mr. Kanav Manmani and Ms.
Vijay Laxmi Rathi, Advocates

versus

INFER INDIA

.....Respondent

Through: Mr. Vivek Kishore, Advocate

CORAM:

HON'BLE MR. JUSTICE MANOJ JAIN

J U D G M E N T (oral)

1. The prayer in the present petition is merely limited to the effect that one opportunity to cross-examine PW1 Mr. S.K. Lumb be granted to petitioner/defendant.

2. Learned counsel for respondent/plaintiff submits that though, there is no merit or substance in the present petition and the impugned order also does not suffer from any illegality or perversity, in order to ensure that there is no further delay in his suit, he would have no objection if, without prejudice to his rights and contentions, one last and final opportunity is granted to the defendant to cross-examine PW1 Mr. S.K. Lumb. He submits that let there be one effective opportunity only in this regard. He also submits that said witness is presently settled in Canada and that learned Trial Court may be requested to record his cross-examination using *videoconferencing tools*.



3. Learned counsel for petitioner/defendant submits that his request is merely confined to one opportunity to cross-examine PW1 Mr. S.K. Lumb and since he has already led his evidence, he is not, even otherwise, seeking to lead any further evidence in affirmative.
4. Keeping in mind the overall facts of the case and the gracious concession given by learned counsel for respondent, present petition is allowed with direction that the learned Trial Court shall permit such cross-examination of PW1 Mr. S.K. Lumb, by giving defendant one effective opportunity in this regard.
5. Simultaneously, petitioner/defendant is burdened with cost of Rs. 15,000/- which shall be payable to the opposite party on or before the next date fixed by learned Trial Court.
6. Learned Trial Court would be permitted to get the cross-examination recorded through *videoconferencing* in terms of the prevalent Rules/Guidelines.
7. Date and time of such cross-examination shall be fixed by the learned Trial Court subject to its board position and after ascertaining the convenience of learned counsel for the parties as well as that of the said witness.
8. Present petition stands disposed of in the aforesaid terms.
9. All the pending applications are also disposed of.

(MANOJ JAIN)
JUDGE

MAY 2, 2025/dr/shs