



2025:DHC:6480



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
% ***Date of Decision: 04th August, 2025***
+ CM(M) 1429/2025, CM APPL. 47048/2025 & CM APPL. 47049/2025
TANISH ENTERPRISESPetitioner

Through: Mr. R P S Bhati, advocate.

versus

PUNJAB NATIONAL BANKRespondent

Through: Mr. Santosh Kumar Rout, SC for
PNB.

CORAM:

HON'BLE MR. JUSTICE MANOJ JAIN

J U D G M E N T (oral)

1. Petitioner is defending a commercial suit filed by Punjab National Bank and is aggrieved by order dated 24.07.2025 whereby his request to further cross-examine PW-2 Ms. Durgwati Kumari has been declined.
2. The abovesaid witness entered into witness box on 02.05.2025 and was examined by the learned counsel for defendant and the witness was, thereafter, discharged.
3. When the case was fixed for final arguments, an application was moved by the defendant seeking permission to further cross-examine PW-2 Smt. Durgawati as certain questions pertaining to certificate submitted under Section 65B Indian Evidence Act (corresponding Section 63(C) in the Bharatiya Sakshya Adhinyam) could not be put, on account of some inadvertence.
4. Learned Trial Court has declined the abovesaid request and such order is under challenge.
5. The request made before the learned Trial Court is found to be



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completely vague and unspecific. When the examination-in-chief of the abovesaid witness was recorded on 02.05.2025, she made a categorical reference to certificate under Section 65B of *Indian Evidence Act* as well as certificate under Section 2 A of *Bankers Book of Evidence Act, 1891*. These were given exhibit mark as Ex-PW-1/H and the witness was also cross-examined by the learned counsel for the defendant and discharged.

6. It need not be re-emphasised that the suit in question has been filed by Punjab National Bank and the above certificate is in relation to bank record only. It seems that the endeavour of the defendant is to, somehow, delay the proceedings on one pretext to the other.

7. Merely, because the defendant is ready to bear the expenditure to be incurred by the abovesaid witness to grace the witness box again cannot be a reason to allow such request. This Court cannot be oblivious of the fact that the witness, as per the trial court record, has been residing in Chattisgarh. The witness, already cross-examined cannot be permitted to be called again without there being any compelling reason or accrual of serious prejudice. Therefore, this Court does not find any illegality or perversity in the impugned order, necessitating any interference any under Article 227 of Constitution of India.

8. Petition stands dismissed *in limine*.

9. Pending application stands disposed of in aforesaid terms.

(MANOJ JAIN)
JUDGE

AUGUST 4, 2025/sw/SHS