



\$~86

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

% **Date of Decision: 05th May, 2025**

+ **CM(M) 2730/2024 & CM APPL. 27248/2025**

SUNITA ARORAPetitioner

Through: Mr. Pramod Ahuja, Advocate.

versus

SADHNA BATRA & ANR.

.....Respondent

Through: Mr. V K Anand, Advocate.

CORAM:

HON'BLE MR. JUSTICE MANOJ JAIN

J U D G M E N T (oral)

1. The next date in the present petition is 20.08.2025.
2. However, learned counsel for petitioner has moved an application seeking stay of the suit in question. He submits that if the proceedings are not stayed and if final arguments are, eventually, heard by the learned Trial Court, his present petition might become infructuous.
3. Mr. V. K. Anand, learned counsel for respondents, appears on advance notice and submits that he has no objection if the main petition is taken up by this Court, today itself.
4. With the consent of the parties, the main petition is taken up today itself and, therefore, the abovesaid application stands disposed of accordingly.
5. Petitioner herein is plaintiff and seeks recovery of Rs. 11,34,600/-.
6. During the pendency of trial, the plaintiff, though, examined herself but when she prayed that her daughter may also be permitted to be examined, her such request has been declined by the learned Trial Court.



7. Learned counsel for petitioner/plaintiff submits that the affidavit of daughter of the petitione*r* i.e. PW-2 Ms. Sonal Sachdeva is already on record and he seeks only one permission to examine her.
8. There is also one additional request.
9. It is submitted that when the learned Trial Court had taken up the suit on 11.03.2024, three defendant's witnesses i.e. DW-1, DW-2 and DW-3 were present in the Court and, though, their examination-in-chief was recorded but since the counsel for the plaintiff could not appear, the witnesses were discharged and the case was fixed for final arguments. It is submitted that un-rebutted testimony of all these three defendant's witnesses would also cause serious prejudice to the case of the plaintiff.
10. Learned counsel for petitioner submits that the plaintiff had appeared in person before the learned Trial Court and there was a request that her counsel would also appear little later but such request was not considered. He does admit that he should have planned his work in such a manner, so that these three witnesses were also cross-examined, without any further delay.
11. During course of the arguments, learned counsel for petitioner/plaintiff submitted that he only seeks one final opportunity to examine the daughter of the plaintiff and one further opportunity to cross-examine the three witnesses examined by the defendant.
12. He also submits that he is ready to bear any cost to be imposed in this regard, by this Court.
13. The next date before the learned Trial Court is stated to be 17.05.2025 for final arguments.
14. Learned counsel for respondents submits that though the present petition lacks any merit and substance, he, without prejudice to his rights and



contentions, would not have any objection if one final indulgence is granted in this regard to the petitioner, *albeit*, subject to exemplary cost. .

15. Keeping in mind the overall facts and also taking into consideration the gracious concession given by Mr. Anand, learned counsel for respondents, the present petition is disposed of with request to learned Trial Court to permit Ms. Sonal Sachdeva (PW-2) to enter into witness box and after her examination/cross-examination is over, to permit plaintiff to cross-examine DW-1, DW-2 and DW-3.

16. For causing delay in the matter and for making three defendant's witnesses wait unnecessarily, the petitioner is burdened with a cost of Rs. 60,000/- which shall be paid on the date fixed before the learned Trial Court.

17. On the next date, parties/counsel for the parties shall appear before the learned Trial Court and the cost would be cleared and, thereafter, the learned Trial Court, subject to its Board position and convenience, would give date for the purposes of examination of PW-2 Ms. Sachdeva and also give a further date for examination of DW-1, DW-2 and DW-3. It is expected that on all such dates, the requisite action is taken by the plaintiff /learned counsel for plaintiff.

18. The petition stands disposed of in aforesaid terms.

19. The next date i.e. 20.08.2025 stands cancelled.

(MANOJ JAIN)
JUDGE

MAY 5, 2025/sw/SS