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

% *Date of Decision: 08<sup>th</sup> July, 2025*

+ CM(M) 1136/2025 & CM APPL. 38461-38463/2025

SANJEEV

.....Petitioner

Through: Mr. Partap Singh, Mr. Shivank Panta  
and Mr. Navneet Sharma, Advs.

versus

URMILLA

.....Respondent

Through:

**CORAM:**

**HON'BLE MR. JUSTICE MANOJ JAIN**

**J U D G M E N T (oral)**

1. Petitioner is aggrieved by denial of his right to further cross-examine PW-1/Urmilla.
2. PW-1/Urmilla happens to be the plaintiff.
3. The suit in question was taken up by learned Trial Court from time to time for concluding her cross-examination.
4. However, noticing the conduct of the defendant and also noticing that on various previous occasions as well, the opportunities for such cross-examination were closed, learned Trial Court did not find any justifiable reason to grant any further opportunity to defendant to cross-examine PW-1/Urmilla, and, resultantly, such opportunity to cross-examine her was closed on 11.11.2024.
5. Petitioner moved an application under Section 151 CPC seeking recall of abovesaid order dated 11.11.2024 and such application has also been



dismissed by learned Trial Court on 23.12.2024.

6. Such orders are under challenge.

7. The sole request made before this Court is to the effect that one last and final opportunity be granted to defendant to further cross-examine PW-1.

8. On the last date, the matter was adjourned with direction to petitioner to place on record copy of order dated 11.11.2024. During the course of proceedings, hard-copy thereof, was shown to the Court.

9. This Court has gone through order dated 11.11.2024 as well as order dated 23.12.2024 passed by learned Trial Court.

10. Plaintiff tendered her evidence by way of affidavit on 27.09.2014 though, as averred, copy thereof, was supplied to defendant on 13.05.2019 only and, thereafter, the matter was posted for cross-examination of PW-1.

11. Part cross-examination was, admittedly, conducted by the defendant.

12. Fact, however, remains that on previous four occasions i.e. 16.09.2019, 24.05.2022, 18.05.2023 & 04.03.2024, since no cross-examination was conducted, such right was closed.

13. Undoubtedly, the right was revived by learned Trial Court, on the basis of the applications moved by defendant but there was no change in the situation on 11.11.2024 either. On such date also, the witness was present in the Court but counsel for the defendant was not available. Defendant, who was present in person, made statement before learned Trial Court that his counsel had already informed his counterpart that he would not be available for cross-examination but the counsel for the plaintiff refuted the same, stating that no such advance information had been given to him.

14. In view of abovesaid, learned Trial Court was constrained to close defendant's right to further cross-examine PW-1/Urmilla.



15. The cross-examination cannot be left open in perpetuity.
16. The witness has been coming to the Court since 2019 and, despite availing umpteen opportunities, defendant has not been able to conclude the cross-examination.
17. Therefore, in such a situation, learned Trial Court was fully justified in closing such right.
18. The argument that a litigant should not be made to suffer on account of non-availability of counsel does not seem attracted in the peculiar facts and circumstances of the present case. The previous conduct of the defendant also does not earn him any compassion.
19. Resultantly, the petition is dismissed *in limine*.
20. Applications, if any, also stand disposed of in aforesaid terms.

**(MANOJ JAIN)**  
**JUDGE**

**JULY 8, 2025/ck/pb**