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

% ***Date of Decision: 11th July, 2025***

+ CM(M) 1206/2025 & CM APPL. 40650-40651/2025

GHANSHYAM BHAGCHANDANIPetitioner

Through: Dr. H.K. Gahlaut, Advocate with
petitioner-in-person

versus

SANGEETARespondent

Through: None

+ CM(M) 807/2022 & CM APPL. 35604/2022

GHANSHYAM BHAGCHANDANIPetitioner

Through: Dr. H.K. Gahlaut, Advocate with
petitioner-in-person

versus

SMT SANGEETARespondent

Through:

CORAM:

HON'BLE MR. JUSTICE MANOJ JAIN

J U D G M E N T (oral)

CM(M) 807/2022 & CM APPL. 35604/2022

1. Petitioner herein is plaintiff before the learned Trial Court and has filed a suit for *mandatory and permanent injunction*.
2. Plaintiff had also prayed for interim injunction and the learned Trial Court dismissed his application moved under Order XXXIX Rules 1 & 2 CPC on 18.02.2022.
3. He challenged the aforesaid order by filing an appeal before learned District Judge and his such appeal has also been dismissed on 12.05.2022.



4. Such order has been challenged by filing *CM(M) No. 807/2022*.
5. Admittedly, there is substantial progress in the aforesaid suit as the plaintiff has already led his evidence and witness of defendant has also entered into witness box, *albeit*, plaintiff could not cross-examine such witness.
6. After hearing arguments for some time, learned counsel for petitioner submits that since matter has already progressed a lot and since injunction was declined at the earlier stage while taking a *prima facie* view of the matter and since the parties have already adduced substantial evidence before the learned Trial Court, he, without prejudice to his rights and contentions, does not press the present petition.
7. Accordingly, aforesaid petition *CM(M) 807/2022* is dismissed as withdrawn. This is, however, without prejudice to the rights and contentions of the petitioner.
8. Pending applications are also disposed of in the aforesaid terms.
CM(M) 1206/2025 & CM APPL. 40650-40651/2025
9. Petitioner takes exception to order dated 20.05.2025, whereby the learned Trial Court has closed his right to cross-examine the defendant.
10. The attention of the Court has been drawn towards various previous orders starting from 21.10.2024 when the affidavit of defendant Ms. Sangeeta was submitted before the learned Trial Court.
11. Undoubtedly, taking note of the various previous orders, the learned Trial Court has declined any further opportunity to plaintiff to cross-examine her and, apparently, the impugned order does not suffer any perversity as plaintiff should have ensured that his counsel was present for requisite cross-examination.



12. Learned counsel for petitioner/plaintiff submits that there is no intention to cause any delay in the matter, particularly in view of the fact that petitioner is seeking injunction and is pursuing his suit for last around 18 years. When asked, learned counsel for the petitioner stated that if one opportunity is granted in this regard, it will be ensured that the cross-examination of the defendant is conducted without any further delay.

13. None appears from the side of respondent despite advance notice.

14. In the other petition, the respondent was earlier duly represented but when the matter was taken up today, there is no appearance from her side.

15. Since a very short point is involved and since there is assurance from the side of petitioner/plaintiff, the present petition is disposed of with the request to learned Trial Court to permit plaintiff to cross-examine the defendant.

16. Matter is now fixed before the learned Trial Court on 15.07.2025 and on that day, the learned Trial Court, after ascertaining the availability of the aforesaid witness and convenience of the parties, would give a short date for the purposes of cross-examination of PW Ms Sangeeta in the present matter. It is, however, clarified that no further opportunity shall be given to petitioner.

17. Petition stands disposed in the aforesaid terms.

18. Pending applications are also disposed of in the aforesaid terms.

(MANOJ JAIN)
JUDGE

JULY 11, 2025/dr/shs