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

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Date of Decision: 17th July, 2025

+ CM(M) 144/2025
SATISH KUMAR

.....Petitioner

Through: Mr. Raj Kumar Chandiwala, Ms.
Natasha Rani, Advocates.

versus

SHYAM SUNDER

.....Respondent

Through: Mr. Dalip Kumar with Mr. Naman
Chhabra, Mr. Yajur Chhabra and Ms.
Prachi Goyal, Advocates.

CORAM:

HON'BLE MR. JUSTICE MANOJ JAIN

J U D G M E N T (oral)

1. Petitioner is plaintiff before the learned Trial Court and is aggrieved by order dated 20.02.2024 whereby his right to cross examine DW-1 has been closed.
2. The Court has gone through the impugned order which does not seem to suffer from any illegality or perversity and learned counsel for defendant also submits that if the counsel for plaintiff was unwell and was confined to bed, message to that effect should have been sent to him, so that, he could have attended his other work, instead of waiting for him in the Court on that particular day.
3. However, after hearing arguments for some time, learned counsel for respondent herein leaves it to this Court to pass appropriate order.
4. Keeping in mind the overall facts of the case and in the interest of



2025-DHC:5808



justice, the present petition is allowed with the direction that on the date fixed i.e. 02.08.2025, learned counsel for the plaintiff would appear before the learned Trial Court and would cross-examine DW-1- Mr. Shyam Sunder.

5. He is also burdened with a cost of Rs. 15,000/- which shall be payable to the defendant before the learned Trial Court on said date.

6. However, if for any reason whatsoever, DW-1 is unable to appear before the learned Trial Court on the said date, the learned Trial Court, after ascertaining the availability and convenience of both the sides and the witness, would give another date for such examination. However, it is clarified that the plaintiff would be entitled to only one effective opportunity in this regard.

7. The petition stands disposed of in aforesaid terms.

(MANOJ JAIN)
JUDGE

JULY 17, 2025/sw/SS