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

% *Date of Decision: 21st July, 2025*

+ CM(M) 899/2025 & CM APPL. 29181-29182/2025
SHRI SUMANT KUMAR SHARMA

.....Petitioner

Through: None.

versus

SHRI JAGJEET SINGH

.....Respondent

Through: Mr. Ishu Arora and Ms. Parul Ghosh,
Advocates.

CORAM:

HON'BLE MR. JUSTICE MANOJ JAIN

J U D G M E N T (oral)

1. None appeared on behalf of the petitioner when the matter was taken up.
2. However, since the respondent is already served, the respondent is present along with his counsel.
3. Learned counsel for respondent submits that the matter remained for the evidence of the defendant on various previous opportunities also and, since the intention and endeavour of the defendant was, merely, to delay the proceedings on one pretext or the other, the impugned order does not suffer from any illegality or perversity and, therefore, there is no requirement of interfering with the order.
4. It is, however, noticed that on the relevant date i.e. 19.02.2024, the defendant appeared before the learned Trial Court as the case was fixed for recording of his evidence.



5. Though, he apprised the learned Trial Court that he was suffering from fever and was not in a position to get his deposition recorded, the learned Trial Court referred him to dispensary and sought a report from the Doctor about his health condition.

6. After such medical examination, the defendant appeared before the Court, immediately, and it was also reported to the learned Trial Court that he was fit for giving statement.

7. However, learned counsel for the plaintiff had, earlier, sought a pass over and, therefore, defendant was asked to wait for the counsel for the plaintiff so that he can be cross-examined by him.

8. Apparently, when the matter was taken up by the learned Trial Court again, noticing his absence, his right to lead evidence has been closed.

9. However, the impugned order would also indicate that, same day, he appeared before the learned Trial Court again, *albeit*, at 12:07 P.M., but by that time, his evidence had also been closed.

10. The suit in question seeks recovery of Rs.5 lacs.

11. Ideally, though, when the matter was taken up, somebody from the side of the petitioner herein should have been before the learned Trial Court, in order to avoid any further delay in the matter, and after hearing learned counsel for the respondent who submits that, without prejudice to his rights and contentions, he would have no objection if one last and final indulgence is given to him, *albeit*, subject to heavy cost, the petition is disposed of with the direction to learned Trial Court to permit one last and final opportunity to defendant i.e. Mr. Sumant Kumar Sharma to enter into witness box.

12. The next date before the learned Trial Court is stated to be 06.10.2025, and defendant shall appear before the learned Trial Court on said date and



would be cross-examined by the plaintiff.

13. It is, however, made clear that since earlier also various opportunities had been availed by the defendant, he would not be entitled to any further opportunity on any ground whatsoever. For causing delay in the matter, he is also burdened with cost of Rs.25,000/- which shall be paid to plaintiff on the date fixed before the learned Trial Court.

14. The present petition stands disposed of in aforesaid terms.

15. The pending applications, if any, stand disposed of.

(MANOJ JAIN)
JUDGE

JULY 21, 2025/ss/pb