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

% ***Date of Decision: 27th March, 2025***

+ **CM(M) 219/2025 & CM APPL. 6734/2025**

NARGIS

.....Petitioner

Through: **Mr. Jayant Pawar, Advocate**
(through V.C.)

versus

RAJESH PAHADIYA

.....Respondent

Through: **Mr. Abhishek Rai, Advocate.**
(through V.C.)

CORAM:

HON'BLE MR. JUSTICE MANOJ JAIN

J U D G M E N T (oral)

1. Learned counsel for respondent/plaintiff appears through *video conferencing*.
2. The issue raised in the present petition is a very short.
3. Petitioner is defending a suit for possession.
4. During trial, PW1 Sh. Rajesh Pahadiya (plaintiff himself) entered into witness box and was even cross-examined in part. Thereafter, his cross-examination was deferred and he was asked to bring certain documents, as demanded by the opposite counsel. However, when the witness appeared with the abovesaid documents, no cross-examination was conducted and, eventually, the cross-examination was closed on 20.02.2024. Subsequently, when an application was moved seeking recall of the abovesaid order, such application was dismissed on 01.04.2024.
5. These orders are under challenge.



6. When asked, learned counsel for the petitioner/defendant informed that thereafter, respondent/plaintiff examined two more witnesses and these witnesses were duly cross-examined by petitioner/defendant.
7. The case is, reportedly, at the stage of DE and though Smt. Nargis (petitioner/defendant) has filed her evidence by way of affidavit, she is yet to enter into witness box for cross-examination.
8. Learned counsel for the respondent/plaintiff submits that though the present petition lacks any merit, in order to ensure that there is no further delay in disposal of the suit, without prejudice to his rights and contentions, he would have no objection if the petition is allowed by granting one last and final opportunity and also subject to imposition of cost.
9. After careful perusal of the material placed on record and after hearing learned counsel for the parties and, particularly, keeping in mind the concession given by learned counsel for respondent/plaintiff, the petition is allowed with direction to the learned Trial Court to grant one last and final opportunity to petitioner/defendant Smt. Nargis to further cross-examine PW1 Sh. Rajesh Pahadiya (plaintiff).
10. The case is, reportedly, coming up for hearing before the learned Trial Court on 13.05.2025.
11. Learned counsel for petitioner/defendant submits that he would not take more than thirty minutes approximately, in concluding the remaining cross-examination. Learned counsel for the respondent/plaintiff also assures that documents which were earlier demanded by the opposite side during cross-examination, would be brought by such witness on that day so that there is no delay in the matter.
12. Let it be also done.



13. It is clarified that this Court has given only one effective but last and final opportunity to petitioner/defendant Smt. Nargis herein to further cross-examine and she would not be entitled to any further opportunity on any ground whatsoever.

14. For causing delay in the matter, petitioner/defendant is also burdened with cost of Rs.10,000/- which shall be paid to the opposite side before the learned Trial Court on said date i.e. 13.05.2025.

15. The petition, along with pending application, stands disposed of in aforesaid terms.

(MANOJ JAIN)
JUDGE

MARCH 27, 2025
st/js