



2026:DHC:4073



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

*Date of Decision: 08<sup>th</sup> May, 2026*

+ CM(M) 1067/2026

DHARAMVIR NANDA

.....Petitioner

Through: Mr. Jai Sahai Endlaw and Mr. Zubin John, Advocates.

versus

RANBIR NANDA (DECEASED) THR LR SANJEEV NANDA

.....Respondent

Through: Mr. Saurabh Pandey, Advocate.

**CORAM:**

**HON'BLE MR. JUSTICE RAJNEESH KUMAR GUPTA**

**ORDER (Oral)**

**Rajneesh Kumar Gupta, J.**

1. This hearing has been conducted through hybrid mode.

**CM APPL. 30908/2026 & CM APPL. 30909/2026 (both for exemption)**

2. Allowed, subject to all just exceptions. The applications stand disposed of.

**CM(M) 1067/2026 & CM APPL. 30907/2026 (for stay)**

3. The present petition has been filed under Article 227 of the Constitution of India, assailing the orders dated 25<sup>th</sup> March, 2025 and 25<sup>th</sup> March, 2026 passed by the learned Trial Court in *CS DJ 28/2016 11538/2016*, whereby the petitioner/defendant's right to cross examine PW-1, namely *Sanjeev Nanda* has been closed and the application to recall that order has



been dismissed respectively.

4. Learned counsel for the respondent appears on advance notice and accepts notice.

5. The matter is taken up for hearing with the consent of learned counsel for the parties.

6. Heard. Record perused.

7. Learned counsel for the petitioner submits that the petitioner is aged about 90 years and, on account of his age and health-related issues, could not cross-examine PW-1. It is further submitted that PW-1 is a material witness in the case and grave prejudice would be caused to the petitioner if an opportunity to cross-examine the said witness is not granted.

8. *Per contra*, learned Counsel for the respondent submits that sufficient opportunities have already been granted by the learned Trial Court to the petitioner to cross-examine PW-1. Despite the same, the petitioner has failed to cross-examine PW-1. It is further submitted that the present petition has been filed only to delay the trial proceedings and is liable to be dismissed.

9. A perusal of the record shows that the matter is still at the stage of plaintiff's evidence. Keeping in view the facts and circumstances of the case, this Court is of the view that it would be in the interest of justice, if one more opportunity is granted to the petitioner to cross-examine PW-1, as the respondent can be compensated with costs.

10. Accordingly, one more opportunity is granted to the petitioner to cross-examine PW-1, subject to payment of costs of Rs. 2,000/- (Rupees Two Thousand Only) to the respondent.

11. It shall be open to the learned Trial Court to allow cross-examination of PW-1 on the date already fixed or on any other date as may be convenient to



2026:DHC:4073



the learned Trial Court.

12. The present petition is disposed of in the above terms. Pending application(s), if any, also stand disposed of.

**RAJNEESH KUMAR GUPTA, J**

**MAY 8, 2026/nd/abk**