



2026:DHC:2117



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
Date of Decision: 13th March, 2026

+ CM(M) 2359/2025

RAJ KUMAR GUPTA

.....Petitioner

Through: Mr. Mukesh Bhardwaj, Advocate
(through VC).

versus

RADHEY SHYAM GUPTA

.....Respondent

Through: None.

CORAM:**HON'BLE MR. JUSTICE RAJNEESH KUMAR GUPTA****ORDER (Oral)****Rajneesh Kumar Gupta, J.**

1. This hearing has been conducted through hybrid mode.
2. The present petition has been filed on behalf of the petitioner under Article 227 of the Constitution of India, 1950, assailing the order dated 01st September, 2025 passed by the trial court in CS DJ 270/20, whereby the objection raised by the petitioner/ plaintiff in the cross-examination of PW-1 (plaintiff) was rejected.
3. Heard. Record perused.
4. Learned Counsel for the petitioner has argued that the trial court has rejected the objection raised by the petitioner without appreciating the facts of the case and without giving any reasons. The rejection of the objection would adversely affect the merits of the case of the petitioner.
5. The relevant portion of the cross-examination of PW-1, which is under challenge before this Court, reads as under:

*“At this stage, witness is confronted with the document i.e. photograph, which is marked as **Mark D-3**. He is asked regarding construction of Blue Sheet to block*



the passage.

The witness has answered that he cannot tell as to what portion, the photograph pertains.

Counsel for the plaintiff objects to marking of the photograph.

The objection is without merits, same is rejected. The counsel for the defendant can confront the witness by documents.

Counsel for the plaintiff states that he wants to challenge the rejection of his objection. An adjournment is prayed for.

Same is not opposed by counsel opposite.

Further cross-examination is deferred.”

6. It is evident that PW-1 was confronted with a document i.e., a photograph, which was marked as **Mark D-3**, and the witness stated that he could not identify the portion to which the photograph pertained. The objection as raised by the petitioner has been considered and rejected by the trial court on the ground that the counsel for the defendant can confront the witness by documents.

7. The relevancy of the document cannot be decided at the stage of recording of evidence as it has to be decided on the merits of the case after the evidence has been led by the parties. It is lawful to put questions in cross-examination to test the veracity of the witness. Accordingly, this Court does not find any infirmity in the reasoning adopted by the trial court while rejecting the objection of the petitioner as the respondent/defendant can confront PW-1 with the document during the cross-examination of PW-1. Accordingly, the petition is dismissed as being devoid of any merit. Pending application(s), if any, also stand disposed of.

RAJNEESH KUMAR GUPTA, J

MARCH 13, 2026/v/tp