



2026:DHC:3056



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

*Date of Decision: 13<sup>th</sup> April, 2026*

+ CM(M) 795/2026, CM APPL. 23679/2026 & CM APPL. 23680/2026

SHABNAM

.....Petitioner

Through: Mr. Manish Pratap Singh, Advocate  
(through VC).

versus

MANJU ROHATGI

.....Respondent

Through: Mr. Rahul Singh Chauhan and Ms.  
Rakshita Sharma, Advocates.

**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 by the petitioner under Article 227 of the Constitution of India, 1950, assailing the order dated 08<sup>th</sup> January, 2026 passed by the learned Trial Court in CS SCJ No. 146/24, whereby an application filed by the petitioner/defendant under Order XVIII Rule 17 of the Code of Civil Procedure, 1908, for recalling PW1 for cross-examination has been dismissed.
3. Learned Counsel for the respondent appears on advance notice and accepts notice.
4. The matter is taken up for hearing with the consent of the learned



counsel for the parties.

5. Heard. Record perused.

6. Learned counsel for the respondent/plaintiff submits that he has no objection if the present petition is allowed, however, the same be allowed subject to payment of exemplary costs. It is further submitted that the witnesses of the petitioner have already been examined and in case there is a need to further cross-examine these witnesses after the cross-examination of PW1, then an opportunity be granted to the respondent for the same.

7. Learned counsel for the petitioner submits that he has no objection for further cross-examination of the witnesses of the petitioner.

8. Keeping in view the facts and circumstances of the case and the submissions of the learned counsels, this Court is of the opinion that it is in the interest of justice if one more opportunity is granted to the petitioner to cross-examine PW1. Accordingly, the petitioner is permitted to cross-examine PW1, subject to payment of cost of Rs. 20,000/- to the respondent and subject to the availability of the said witness, otherwise the evidence already recorded, shall be read as such.

Further, in case the respondent seeks to further cross-examine the witnesses of the petitioner in light of the cross-examination PW1, the respondent shall be at liberty to move an appropriate application in this regard before the learned Trial Court and the petitioner shall not oppose the said application. The cross-examination of these witnesses shall be subject to the availability of the said witnesses, otherwise the evidence already recorded, shall be read as such.

9. Learned Trial Court may permit the petitioner to cross-examine PW1 on the date already fixed or any other date convenient to the trial Court.



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10. The petition is disposed of in the above-stated terms, along with pending application(s), if any.

**APRIL 13, 2026/v/ik**

**RAJNEESH KUMAR GUPTA, J**