



2026:DHC:3313



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

Date of Decision: 21st April, 2026

+ CM(M) 885/2026

RAJ KUMAR UPADHYAY

.....Petitioner

Through: Mr. Shoaib Khan, Advocate.

versus

TIRUPATI WORK SPACE SOLUTIONS PVT. LTD. & ORS.

.....Respondents

Through: Mr. Kundan Kumar Mishra,
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. 25756/2026 (for exemption)

2. Allowed, subject to all just exceptions.

3. Accordingly, the application stands disposed of.

CM(M) 885/2026 & CM APPL. 25755/2026 (for stay)

4. The present petition has been filed under Article 227 of the Constitution of India, seeking a direction to the learned Trial Court to allow the petitioner/plaintiff to further cross-examine DW-1, namely, *Mr. Prashant Garg*, in *CS(COMM) 549/2024*.

5. Learned Counsel for the respondents appears on advance notice and accepts notice.

6. Heard. Record perused.



7. The relevant portion of the order dated 11th February, 2026, passed by the learned Trial Court, whereby the cross-examination of DW-1, *Mr. Prashant Garg*, was closed, reads as follows:-

“At this stage, Ld. Counsel for the Plaintiff had again attempted to put a question to the witness related to contents of document Ex. DW1/5. He has been cautioned time and again not to put such questions being barred by Section 91 of the IEA, however, it appears that he is not ready to mend his ways, hence, last and final warning is now issued to Ld. Counsel to put only the relevant question to the witness leaving aside the contents of documents as well as the matter of record.

Again, another question related to contents of same document has been put, it seems he has no other question put to the witness, hence, cross-examination of the witness is closed.”

8. During the course of arguments, learned Counsel for the petitioner submits that one more opportunity be granted to the petitioner to further cross-examine DW-1 on other relevant aspects. It is further submitted that, if such opportunity is granted, the petitioner shall not put any questions to DW-1 with respect to the contents of document Ex. DW1/5, on account of which the cross-examination was earlier closed by the learned Trial Court.

9. Keeping in view the facts and circumstances of the case and the submissions made by the learned Counsel for the petitioner, this Court is of the opinion that it would be in the interest of justice to grant one more opportunity to the petitioner to further cross-examine DW-1. However, the petitioner shall not put any questions to the said witness with respect to the contents of documents Ex. DW1/5. Accordingly, one more opportunity is granted to the petitioner to cross-examine DW-1, subject to deposit of costs of



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Rs. 2,000/- (Rupees Two Thousand Only) with the District Legal Services Authority (“*DLSA*”).

10. It shall be open to the learned Trial Court to record the evidence on the date already fixed or on any other date, as may be convenient to the learned Trial Court.

11. Accordingly, the present petition stands disposed of in above terms. Pending application(s), if any, also stand disposed of.

RAJNEESH KUMAR GUPTA, J

APRIL 21, 2026/MR/ABK