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

*Date of Decision: 27<sup>th</sup> March, 2026*

+ CM(M) 646/2026, CM APPL. 19284/2026 & CM APPL. 19285/2026

RAJU

.....Petitioner

Through: Ms. Lavisha Arora, Advocate.

versus

SMT. K. PALANIAMMAL & ORS.

.....Respondents

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 by the petitioner under Article 227 of the Constitution of India, 1950, assailing the impugned order dated 23<sup>rd</sup> February, 2026, passed by the learned trial court in CS No. 323/2017, whereby an application under Order XVIII Rule 17 of CPC filed by the petitioner/defendant for setting aside the order dated 06<sup>th</sup> September, 2023 whereby the right of the petitioner to cross-examine the respondent's witness has been closed, has been dismissed.
3. Heard. Record perused.
4. Learned Counsel for the petitioner has argued that the petitioner was not in a position to cross-examine the PW-1 due to his medical conditions. It is further submitted that grave prejudice would be caused to the case of the petitioner in case the petitioner was not granted an opportunity to



cross-examine PW-1.

5. It is relevant here to mention that the petitioner has not challenged the order dated 06<sup>th</sup> September, 2023, which reads as follows:

*“Heard. Perused.*

*Final opportunity was granted to the defendant for cross examining the witness. Today also witness is also not cross examined. Accordingly, right to cross examine the plaintiff's witness is closed.”*

6. The relevant portion of the impugned order dated 23<sup>rd</sup> February, 2026 reads as follows:

*“From the perusal of record and consideration of submissions, it is noted that defendant/applicant has not filed any medical documents to show that defendant was not keeping well at the time when his right was closed to cross-examine plaintiff's witness on 06.09.2023. As per record, defendant was proceeded ex-parte vide order dated 03.03.2022, which was set aside on 22.12.2022. The conduct of defendant in not moving the present application immediately after close of his right to cross-examine plaintiff's witness and in fact, leading DE before moving the present application show that defendant is either negligent or indifferent with regard to present proceedings. Considering the conduct of defendant as discussed above, Court does not find any good reason to give any further opportunity to the defendant to cross-examine plaintiff's witness.*

*Application stands dismissed.”*

7. Learned Counsel for the petitioner submits that the application under Order XVIII Rule 17 read with Section 151 of CPC has been moved on behalf of the petitioner on 11<sup>th</sup> August, 2025.

This application has been moved after two years after the right of the petitioner to cross examine PW-1 has been closed. The petitioner has been



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given sufficient opportunities by the learned trial court to cross-examine PW-1. After going through the record of the case, this Court is of the opinion that the conduct of the petitioner is only to delay the trial court proceedings. A perusal of the impugned order shows that the trial court has passed a well-reasoned order in accordance with law. Accordingly, this Court does not find any infirmity in the impugned order and the same is upheld.

8. The present petition is dismissed as being devoid of any merits. Pending application (s), if any, also stand disposed of.

**RAJNEESH KUMAR GUPTA, J**

**MARCH 27, 2026/MR/ik**