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

Date of Decision: 27th April, 2026

+ CM(M) 941/2026
ALKA RANI

.....Petitioner

Through: Mr. Chandra Shekher Yadav and Mr.
Ambuj Johar, Advocates.

versus

NARESH KUMAR

.....Respondent

Through: Mr. Pankaj Tomar, Mr. Vishal Kumar
and Mr. Naveen Kishore Advocates.
Ms. Vaishali Gupta, Panel Counsel for
GNCTD (Civil) with Ms. Rashi
Aggarwal, Advocates for R-2.

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. 27760/2026 (for exemption)

2. Allowed, subject to all just exceptions. Application is disposed of.

CM(M) 941/2026& CM APPL. 27759/2026 (for stay)

3. The present petition has been filed under Article 227 of the Constitution of India, assailing the impugned order dated 18th March, 2026, passed by the learned Trial Court in CS No. 934/2020, whereby the application filed by the petitioner/defendant under Section 151 of Code of Civil Procedure, 1908 seeking setting aside of orders, whereby their right to cross-examine PW-1 Sh. Naresh Kumar was closed, has been dismissed.



4. Learned Counsel for the respondent appears on advance notice and accepts notice.
5. Heard. Record perused.
6. Learned Counsel for the petitioner has argued that PW-1 is the material witness of the case and petitioner has not been given sufficient opportunities to cross-examine him. It is further argued that grave prejudice would be caused to the petitioner if the opportunity is not granted to them to cross-examine PW-1.
7. *Per Contra*, learned Counsel for the respondent has argued that sufficient opportunities have already been granted by the learned Trial Court to the petitioner to cross-examine PW-1. The present petition has been filed only to delay the Trial Court proceedings and deserved to be dismissed.
8. A perusal of the record shows that several opportunities have already been granted to the petitioner to cross-examine PW-1. However, keeping in view the facts and circumstances of the case, this Court is of the opinion 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.
9. Accordingly, one more opportunity is granted to the petitioner to cross-examine PW-1, subject to payment of costs of Rs. 5,000/- (Rupees Five Thousand Only) to the respondent which is in addition to the costs already imposed upon her by the learned Trial Court.
10. 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 the learned Trial Court.
11. The present petition is disposed of in the above said terms. All pending



2026:DHC:3555



application(s), if any, also stand disposed of.

APRIL 27, 2026/nd/ik

RAJNEESH KUMAR GUPTA, J