

04.06.2026

Fresh appeal received on assignment. It be checked and registered.

Present: Sh. Ravinder Sinha, Sachin and Sanjay Ld. Counsel for the appellant with appellant no. 1.
Sh. Aditya Malik and Vineet, Ld. Counsel for the respondent with respondent.

I.A. No. /26:- Application seeking condonation of Delay.

This is an appeal against the order dated 02.04.2026. Ld. Counsel for the appellant submits that there is a delay of 30 days in filing the present appeal.

Ld. Counsel for the respondent who had appeared pursuant to intimation received to him from the Ld.Trial Court submits that no ground for condoning the delay is made out and submits that respondent is adopting dialatory tactics in order to frustrate the rightful claim of the respondent herein.

Heard.

Technicalities of law should not sub serve the ends of justice. Application seeking condonation of delay is allowed subject to cost of Rs. 5000/- to be paid to the respondent. Application stands disposed off accordingly.

CA No. 287/2026:-

It is submitted by the Ld. Counsel for the appellant that on 21.01.2026 the copy of the evidence was supplied and he was asked to cross examine the witness on the very same day. The request was allowed subject to cost of Rs. 5000/- and the matter was adjourned for 09.03.2026. On 09.03.2026 on account of non payment of cost, the right to cross examine the witness was closed and the matter was listed for 02.04.2026 for further

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proceedings. On 02.04.2026 appellant he moved an application seeking recalling which was allowed but on account of non payment of cost his right to cross examine was closed. It is submitted by the Ld. Counsel for the appellant that he came to know of the order only after 2 days and therefore, was not aware that his right to cross examine has been closed on account of non payment of the cost. It is submitted that great prejudice would be caused to the appellant if he is not allowed to cross examine the respondent.

Ld. Counsel for the respondent submits that appellant no. 1 who is the husband is adopting dialatory tactics and has not paid even the single penny to the respondent. He submits that he was proceeded exparte and till date the said order has not been recalled. He further submits that in case this court is inclined to allow the appeal, heavy cost should be imposed upon the appellant.

Heard.

Ld. Trial court vide its order dated 02.04.2026 had imposed the total cost of Rs. 10,000/- (Rs 2000/- each) apart from the previous cost of Rs. 5000/- but on account of non payment the right to cross examine the complainant was closed.

Considering the overall facts and circumstances since right to cross examine is a essential right, the present appeal stands allowed subject to cost of Rs. 25000/- to be paid to the respondent. It is made clear that Ld. Trial Court shall not grant more than 2 hours to the appellant on the single day to cross examine the complainant/respondent and with the condition that total cost of Rs. 45000/- (25,000/- + Rs. 5000/- imposed by this court and Rs. 15000/- by the Ld. Trial Court) is paid to the

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respondent before the commencement of the cross examination. In case, total cost is not paid, the appellant shall not be allowed to cross examine the respondent and the Ld. Trial Court may proceed with case in accordance with law. With the aforesaid observations and directions appeal stands disposed off.

Copy of the order be given dasti. Appeal file be consigned to record room.

(ANKUR JAIN-I)
ASJ-04/Central/Delhi.
04.06.2026

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