

07.04.2026

Present: Sh. Chirag Sharma, Ld. Counsel for the plaintiffs alongwith plaintiffs.
Sh. Abhishek Garg, Proxy counsel for the defendant.

Matter is listed today for cross-examination of PW-1 and PW-2.

Issues in the present matter were framed on 10.02.2025.

As recorded vide order dated 09.05.2025, evidence by way of affidavit of PW-1 and PW-2 had been filed and the matter was listed for cross-examination of PW-1 and PW-2.

Thereafter, as recorded vide order 18.08.2025, Ld. Counsel for the defendant had filed an application under Order VII Rule 11 CPC which was dismissed with a cost and despite the PW-1 and 2 being present, they were not cross-examined, since it was submitted that the main counsel was indisposed due to fever. Thereafter, the matter was adjourned to 08.09.2025 and it was made clear that in case the witnesses despite being present were not cross-examined or cost is not paid the right to cross-examine PW1 and 2 would stand closed without further opportunity.

Thereafter, only on 19.11.2025, PW-1 was examined and partly cross-examined and an adjournment was sought by Ld. Counsel for the defendant that, he had to attend four matters before the Hon'ble High Court of Delhi and, at request, matter was listed for cross-examination of PW1 on 24.11.2025.

On 24.11.2025, again a request for adjournment was made by Ld. Counsel for the defendant, on the ground that counsel was suffering from fever and was having loose motion and on the said date, it was submitted that the cost imposed would be paid during the course of the day. Last and final opportunity

was granted to the defendant vide the said order, failing which, it was directed that the right to cross-examine the witnesses would stand closed.

As recorded vide order dated 28.02.2026, PW-1 was further cross examined and an adjournment was sought by Ld. Counsel for the defendant, on the ground that, he has to take his wife to hospital and, accordingly, matter was adjourned to 04.04.2026.

On 04.04.2026, adjournment was again sought by Ld. Counsel for the defendant that, he was suffering from vomiting and weakness and on the said ground the matter was adjourned to 07.04.2026 i.e. the date fixed for today. It was made clear in the said order that, in case, the witnesses despite being present are not examined, no further opportunity shall be granted.

PW-1 and PW-2 are present before the Court today. An adjournment is being sought by Proxy Counsel for the defendant citing that, he has supplementary matters listed before Hon'ble High Court of Delhi. In the considered opinion of the Court, since the defendant has not paid the cost as imposed vide order dated 18.09.2025, who is not coming forward to cross-examine the witnesses, despite their being present despite the grant of multiple opportunities, accordingly, **no further opportunity can be granted to the defendant to cross-examine the said witnesses. The right to cross-examine the witnesses i.e. PW-1 and 2 stands closed.**

List the matter for remaining PE, if any, on **06.07.2026**.

(Sachin Sood)
DJ-01 (Central)
THC:Delhi:07.04.2026