

10 CS DJ ADJ 371/17 P.K.KHANNA Vs. NARENDER KUMAR SAXENA

12.07.2025

Present matter falls under the category of senior citizen.

Present: Sh. Vikas Bhatia, Ld. Counsel for plaintiff.
Sh. Rahul Sharma (through VC) and Sh. Mani Kant (in person)
Ld. Counsels for defendant no. 1.
Sh. Varun Gupta, Proxy counsel for Sh. Bilal Ali, Ld. Counsel for defendant no. 1.

Adjournment sought on behalf of defendant no. 2 on the ground that, the main counsel is not available due to some personal exigencies.

Ld. Counsel for defendant no.1 submits that, he has also received adjournment request on behalf of the defendant no. 2 and he asked for contact number of counsel for the plaintiff but, he was only having the contact detail of earlier counsel namely Sh. Sanjay Maan. Strongly opposed on behalf of plaintiff. It is submitted that, matter is pending for cross-examination of PW1 since 2019 and frequent adjournments were sought hence, his right may be closed.

Submissions heard.

Perusal of the record reveals that, similar adjournment request was made on behalf of the defendant no. 2 on last to last date of hearing but, in the interest of justice, last and final opportunity was granted to defendant no. 2 to cross-examine PW1. Perusal of the record further reveals that, on the LDOH, PW1 was partly cross-examined on behalf of the defendant no.2 and again cross-examination was deferred. Although, considering the conduct of defendant no. 2, his right to cross-examine should be closed outrightly but, in the interest of justice, **one opportunity is granted to defendant no. 2 to cross-examine PW1 subject to cost of Rs. 10,000/- to be paid to the plaintiff. It is made clear defendant no.2 shall cross-examine the PW1 only after the payment of the cost.**

Put up for PE on 19.09.2025.

(SHILPI M JAIN)
DJ-05 (SW)/Dwarka Courts
New Delhi: 12.07.2025 (sr)