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

+ **CM(M) 1829/2025**

H.S.APPARELS

.....Petitioner

Through: Mr. Digvijay, Advocate (*through
videoconferencing*).

versus

SUDESH MAHAJAN

.....Respondent

Through: None.

CORAM:

HON'BLE MR. JUSTICE GIRISH KATHPALIA

ORDER

% **17.09.2025**

CM APPL. 58848/2025 (exemption)

1. Allowed, subject to all just exceptions.

CM(M) 1829/2025 & CM APPL. 58847/2025 (stay)

2. Petitioner has assailed order dated 11.08.2025 of the learned trial court, whereby application of the petitioner/defendant for recall of plaintiff for cross-examination was dismissed. It appears that on the date fixed for cross-examination of the respondent/plaintiff, learned counsel for the petitioner/defendant was admitted in the hospital, so the witness was tendered for cross-examination by the petitioner/defendant. The learned trial court took a view that if the counsel for petitioner/defendant was in the hospital, the petitioner/defendant ought to have arranged a new counsel to carry out cross-examination.

3. Learned counsel for petitioner/defendant contends that the impugned



order is not sustainable in the eyes of law as fair opportunity to effectively cross-examine the plaintiff was not granted. *Prima facie*, I find substance in the submission, so the proceedings before the trial court till next date are stayed.

4. Subject to petitioner taking steps within one week, notice through all modes be issued to the respondent, returnable on 22.12.2025 before Registrar.

GIRISH KATHPALIA, J

SEPTEMBER 17, 2025/dr