



2026:DHC:1641



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

*Date of Decision : 24<sup>th</sup> February, 2026*

+ CM(M) 430/2026

LAXMAN

.....Petitioner

Through: Mr. Mohit Kukreja, Adv. (through VC)

versus

D V SINGH & ORS.

.....Respondents

Through: Respondent No. 1 and 2-in-person.  
Mr. Shiven Varma, Panel Counsel for GNCTD with Mr. Dhruv Malik, Adv. for R-3/GNCTD. (through VC)

**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. 12649/2026 (for Exemption)**

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

**CM(M) 430/2026 & CM APPL. 12648/2026 (for Stay)**

3. The present petition has been filed by the petitioners under Article 227 of the Constitution of India, 1950, assailing the order dated 22<sup>nd</sup> December, 2025, passed by the learned Trial Court in case No. PC-02/2016 (42347/2016), whereby the opportunity of the petitioner to cross-examine RW-2/1 has been closed.

4. Respondent no.1 and 2 have appeared in person. Respondent no. 2,



who is also an Advocate, has accepted notice for herself as well as on behalf of the respondent no. 1.

5. Learned counsel for respondent no. 3/GNCTD appears on advance notice and accepts notice.

6. Heard. Record perused.

7. Learned counsel for the petitioner has argued that if the petitioner is not granted an opportunity to cross examine the RW-2/1, it would cause serious prejudice to the petitioner. It is, therefore, prayed that one more opportunity be granted to the petitioner to cross examine the witness.

8. *Per contra*, learned counsel for the respondents no. 1 and 2 has argued that the learned Trial Court closed the cross-examination of the said witness after granting sufficient opportunities to the petitioner. It is further argued that the present petition has been filed only to delay the matter and therefore, it is liable to be dismissed.

9. The relevant portion of the impugned order dated 22<sup>nd</sup> December, 2025 reads as follows:

*“Matter is listed today for cross-examination of RW2/1. Earlier the opportunity to cross-examine this witness was closed vide order dated 09.07.2025 on an application filed by the petitioner. One opportunity was given to him for cross-examining the witness vide order dated 08.10.2025 subject to cost. Thereafter, this is the third date for cross-examination and a connected matter was also listed in the morning and Ld. Counsel for the petitioner was asked to complete the cross-examination in both the matters today itself as the witness is senior citizen aged about 85 years. Since the cross-examination could not be completed in the pre-lunch session, the matter was kept pending for post lunch session. However, at this stage, it is submitted by Ld. Counsel for the petitioner that he is unable to appear for*



*cross-examination as he is appearing in some other matter in evidence.*

*I do not deem it appropriate to give another opportunity to the petitioner to cross-examine this witness. Accordingly, opportunity to cross-examine RW2/1 stands closed. RE has already been closed.*

***Renotify for final arguments on 24.01.2026.”***

10. A perusal of the record shows that Defence Evidence was closed *vide* order dated 09<sup>th</sup> July, 2025. However, pursuant to an application moved on behalf of the petitioner, one more opportunity was granted to the petitioner to cross-examine the RW-2/1, subject to his availability and subject to payment of cost.

11. 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, to grant one more opportunity to the petitioner to cross-examine the said witness.

12. Accordingly, one more opportunity is granted to the petitioner to cross-examine the RW-2/1, subject to payment of Rs. 15,000/- to the opposite party. The learned Trial Court may permit the cross-examination either on the date fixed, or on any other date convenient to the learned Trial Court.

13. The present petition is disposed of in the above-stated terms. Pending application(s), if any, also stands disposed of.

14. Copy of this order be given *dasti* under the signatures of Court Master.

**RAJNEESH KUMAR GUPTA, J**

**FEBRUARY 24, 2026/sds/ik**