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

CNR No. DLHC010391772026

+ **CM(M) 1851/2026 & CM APPL. 56462/2026**

**M/S WINSOFT PLAY SCHOOL INTERNATIONAL
PVT LTD**

.....Petitioner

Through: **Mr. Siddharth Pandit and Mr. Sarthak
Kapoor, Advocates.**

versus

BOBBY JAIN

.....Respondent

Through:

**CORAM:
HON'BLE MR. JUSTICE AJAY DIGPAUL**

ORDER

21.08.2026

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1. Through the present petition, the petitioner impugns order dated 13.07.2026 passed by the learned District Judge (Commercial Court)-03, West, Tis Hazari Courts, in CS (Comm) No.735/24 titled "*Bobby Jain v. Winsoft Playschool International Pvt. Ltd.*" whereby the learned Trial Court dismissed two applications filed by the petitioner/defendant, under Order VIII Rule 1A of the Code of Civil Procedure ("CPC") and under Section 151 of the CPC respectively.
2. The facts emerging from the record are that on 27.08.2024, the respondent/plaintiff instituted the underlying commercial suit for the recovery of Rs. 52,40,503/-.
3. Pursuant thereto, issues were framed by the learned Trial Court on 05.03.2025.



4. A bare perusal of the order dated 05.03.2025 reveals that the respondent sought to examine three witnesses whereas the petitioner sought to examine two witnesses. Accordingly, the learned Trial Court *vide* order dated 05.03.2025 directed both parties to file their list of witnesses within two weeks from the date of passing the order i.e., on or before 19.03.2025 and, appointed the learned Court Commissioner for the purpose of recording evidence.

5. The respondent failed to file the list of witnesses within the prescribed period and moved an application on 01.04.2025; under Order XVI of the CPC, to summon three witnesses, which was allowed by the learned Trial Court *vide* order dated 04.04.2025 subject to payment of costs of Rs.2,500/-, on account of the one-month delay.

6. Subsequently, on 16.04.2025 the recording of plaintiff's evidence commenced before the learned Court Commissioner which got concluded on 06.05.2025, during which the witnesses including a handwriting expert i.e., PW-4, were duly examined and discharged.

7. Following the conclusion of the plaintiff's evidence, the petitioner filed its list of witnesses on 06.08.2025, and on the very same date also filed twin applications, one under Order VIII Rule 1A of the CPC seeking permission to place on record an additional handwriting expert report dated 23.07.2025 and another one under Section 151 of the CPC seeking condonation of delay in placing the belated list of witnesses on record.

8. Moreover, in this belatedly filed list of witnesses, as many as eight witnesses were cited by the petitioner, in direct contradiction to the submission of the petitioner recorded before the learned Trial Court on 05.03.2025.



9. Thereafter, the learned Trial Court *vide* the impugned order dated 13.07.2026, dismissed both applications. The matter is now listed before the learned Trial Court for defendant's evidence.

10. Aggrieved thereby, the petitioner has preferred the present petition.

11. Learned counsel for the petitioner submits that during the course of plaintiff's evidence, the respondent examined a handwriting expert as PW-4, who placed on record an expert report along with underlying documents. It is contended that the aforementioned report and documents were supplied to the petitioner for the very first time on the date of recording of the examination-in-chief of PW-4.

12. It is submitted that this subsequent production of documents, constrained the petitioner to obtain a counter report dated 23.07.2025 prepared by handwriting expert Mr. Syed Fazal Huda, to effectively rebut the testimony and findings of PW-4 and that this report was not in possession of the petitioner when the suit was filed.

13. It is urged that as the trial is currently at the stage of defendant's evidence, placing the counter handwriting expert report on record, is essential for just and fair adjudication and would cause no prejudice to the respondent.

14. Heard. Perused the record.

15. The scheme of the Commercial Courts Act, 2015, read with the amended provisions of the CPC, mandates strict adherence to statutory timelines with an aim to prevent prolonged litigation.

16. A perusal of the record reveals that issues were framed as far back as 05.03.2025, whereupon both parties were granted two weeks to file their respective list of witnesses. The petitioner failed to take appropriate steps to



cite the additional witnesses at the relevant stage, and remained passive until the respondent had led and concluded its evidence on 06.05.2025. It was only after the closure of the plaintiff's evidence, that the petitioner filed its list of additional witnesses and moved the subject applications.

17. If these belated applications were to be allowed, it would amount to eroding the sanctity of statutory timelines envisioned under the Commercial Courts Act, 2015, which are sacrosanct. In view thereof, strength is drawn from ***Ambalal Sarabhai Enterprises Ltd. v. K.S. Infraspace LLP*, (2020) 15 SCC 585**. The relevant observations made by the Apex Court in the aforesaid judgment are reproduced hereunder:

“35. Various provisions of the Act, namely, case management hearing and other provisions makes the court to adopt a pro-active approach in resolving the commercial dispute. A new approach for carrying out case management and strict guidelines for completion of the process has been introduced so that the adjudicatory process is not delayed. I have referred to the various provisions of the Act and the Schedule bringing in amendments brought to the Civil Procedure Code to deal with the commercial disputes, only to highlight that the trial of the commercial dispute suits is put on fast track for disposal of the suits expeditiously. Various provisions of the Act referred to above and the amendments inserted to the Civil Procedure Code by the Schedule is to ensure speedy resolution of the commercial disputes in a time bound manner. The intent of the legislature seems to be to have a procedure which expedites the disposal of commercial disputes and thus creates a positive environment for investment and development and make India an attractive place to do business.”

18. It is well-settled that a litigant cannot be permitted to observe the evidence of the opposite party, and then subsequently introduce additional witnesses or documents by way of an afterthought to fill the lacunae in its case.

19. In view of the aforesaid observations, this Court is of the view that the present petition is devoid of any merits.



20. Accordingly, the present petition, along with pending applications, if any, stands dismissed.

AUGUST 21, 2026
Sk/as

AJAY DIGPAUL, J