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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**  
+ CM(M) No.873/2017 & CM No.29068/2017 (for stay).  
SHRI KRISHNA PAPER MILLS & INDUSTRIES LTD....Petitioner  
Through: Mr. Kamal Mehta and Mr. Sudeep  
Singh, Advs.

Versus

NATVAR PARIKH INDUSTRIES LTD ..... Respondent  
Through: Mr. Awanish Kumar, Adv.

**CORAM:**

**HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW**

**ORDER**

% **16.08.2017**

**CM No.29069/2017 (exemption from filing complete Trial Court Record).**

1. Allowed, subject to just exceptions.
2. The application stands disposed of

**CM(M) No.873/2017 & CM No.29068/2017 (for stay).**

3. This petition under Article 227 of the Constitution of India impugns the order (dated 28<sup>th</sup> July, 2017 in CS No.204/16 of the Court of Additional District Judge-03 (South-East), Saket Courts, New Delhi) allowing the application of the respondent / defendant for filing additional documents at the stage of the respondent / defendant's evidence and after the evidence of the petitioner / plaintiff closed their evidence.
4. This suit is of 2002 vintage and is for recovery of money. Though the counsel for the respondent / defendant appears on advance notice but states that he has lost his file and seeks adjournment.
5. It appears that entertaining this petition would lead to further delays in the disposal of the suit which is already 15 years old and else, the suit will

be disposed of expeditiously inasmuch as after the impugned order the respondent / defendant is stated to have already examined one witness who has also been partly cross-examined and the suit is stated to be listed for remaining cross-examination of the said witness on 11<sup>th</sup> September, 2017 and the counsel for the respondent / defendant states that the respondent / defendant is not to examine any other witness.

6. I have thus enquired from the counsel for the petitioner / plaintiff the nature of the documents which have been permitted to be placed on record belatedly.

7. The counsel for the petitioner / plaintiff, for the sake of expediency, does not press this petition with liberty to cross-examine the witness of the respondent / defendant on the said documents and with liberty to the petitioner / plaintiff to, if feels the need, lead evidence in rebuttal to the documents so permitted to be filed belatedly and with further liberty to, if remains aggrieved from the final order in the suit, impugn the order dated 28<sup>th</sup> July, 2017 in appeal if any preferred against the decree in the suit.

8. Dismissed as withdrawn with liberty / clarification aforesaid.

No costs.

**RAJIV SAHAI ENDLAW, J.**

**AUGUST 16, 2017**

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