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IN THE HIGH COURT OF DELHI AT NEW DELHI

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FAO(OS) 175/2017

M/S. JMD PROTEINS PVT LTD

..... Appellant

Through: Mr. Paritosh Budhiraja, Ms. Surabhi
Maheshwari & Mr. Ashwani Ahuja, Advs.

versus

S M MILKOSE LTD.

..... Respondent

Through: Ms. Gurkamal Hora Arora & Ms.
Sanyogita Jain, Advs.

CORAM:

HON'BLE MR. JUSTICE S. RAVINDRA BHAT

HON'BLE MR. JUSTICE A. K. CHAWLA

ORDER

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06.08.2018

The appellant is aggrieved by the order which foreclosed its request for substituting the name of a witness during the stage of evidence. It is submitted that if the request is denied by this Court, substantial prejudice would be caused.

It is pointed out by the plaintiff's counsel that despite numerous opportunities granted over a period of six years, the appellant could not produce its witness (DW1). Resultantly, its evidence was later closed. At that stage, it sought to substitute another witness instead of DW1 which has now been declined.

After considering the submissions, the Court is of the opinion that since the suit is of more than a decade vintage, and that the appellant was granted more than sufficient opportunities to lead the

evidence relied upon i.e. the testimony of DW1. No case for interference is made out.

The appeal is accordingly dismissed.

S. RAVINDRA BHAT, J

A. K. CHAWLA, J

AUGUST 06, 2018/akv