



\$~37

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

% Judgment delivered on: 18.02.2022

+ CM(M) 162/2022 & CM. APPL. 8747-48/2022

M/S G.S BERAR AND CO. PVT. LTD. & ANR ... Petitioners

versus

MS TRANS ASIAN INDUSTRIES EXPOSITIONS PVT. LTD
..... Respondent

Advocates who appeared in this case:

For the Petitioner: Mr. Saurabh Prakash, Mr. Utsav Jain and Mr. Anant Aditya Patro, Advocates with petitioners in person.

For the Respondent: Mr. Lakshay Dhamija, Advocate.

CORAM:-

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

JUDGMENT

SANJEEV SACHDEVA, J. (ORAL)

1. The hearing was conducted through video conferencing.
2. Petitioner is aggrieved by the delay in recording of the evidence.
3. Learned counsel for the petitioner submits that irrelevant questions are being posed to the witness by the respondents to simply



delay the proceedings. He submits that some of the questions are completely extraneous and have got no relevance to the issues at hand. However, the questions are being put to protract the trial.

4. Learned counsel submits that petitioner is aggrieved by the direction in order dated 17.03.2021 to the limited to extent that it directs that the objection would be noted by the Commissioner and left open to be decided by the court at the stage of final arguments, however the witness shall not refuse to answer the question asked.

5. Issue notice. Notice is accepted by learned counsel for respondent.

6. With the consent of parties, the petition is taken up for hearing today.

7. Leaned counsel for respondent submits that he has no objection the clause being modified to the extent that in case the witness refuses to answer any question, then the court would be free to drawn an adverse inference against the witness for refusing to answer.

8. Learned counsel for the petitioner is agreeable to the said modification.

9. In view of the above, paragraphs 9 and 10 are modified to the extent that the witness would not be obliged to answer every question. However, in case witness refuses to answer a particular question, the



Local Commissioner shall note in the proceeding that witness has refused to answer and it would be open to the court at an appropriate stage to draw an adverse inference against the witness and the party that has produced the said witness.

10. Petition is disposed of in the above terms.

11. Copy of the order be uploaded on the High Court website and be also forwarded to learned counsels through e-mail by the Court Master.

FEBRUARY 18, 2022
NA

SANJEEV SACHDEVA, J

