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

% **Date of decision : 02.03.2022**

+ **FAO (COMM) 32/2022 & CM APPLs. 10712-13/2022**

RAVINDER PARKASH PUNJAppellant

Through: Mr Raman Gandhi, Adv.

versus

NEERAJ AGGARWAL & ANR.Respondents

Through: Mr Pramod Singhal, Adv.

CORAM:

HON'BLE MR. JUSTICE RAJIV SHAKDHER

HON'BLE MR. JUSTICE JASMEET SINGH

[Physical Court Hearing/ Hybrid Hearing (As per request)]

RAJIV SHAKDHER, J. (ORAL):-

1. Issue notice.

1.1. Mr Pramod Singhal accepts notice on behalf of respondent no.1.

2. This appeal is directed against the order dated 29.01.2022, passed by the learned District Judge (Commercial Court-03), Patiala House Courts, New Delhi.

2.1. *Via* order dated 29.01.2022, the learned District Judge has disposed of the appellant's application under Order XII Rule 6 of the Code of Civil Procedure, 1908 (in short "CPC") as well as respondent no. 1's application under Order XXXIX Rules 1 and 2 read with Section 151 of the CPC.

2.2. Mr Raman Gandhi, who appears on behalf of the appellant, fairly concedes that no appeal would lie against that part of the order dated 29.01.2022, whereby the appellant's application under Order XII Rule 6 of CPC was rejected.

2.3. Mr Gandhi, thus, says that this appeal should be treated as an appeal confined to the latter part of the impugned order, in which directions were



issued on respondent no. 1's application under Order XXXIX Rules 1 and 2 of CPC.

3. Concerning the aforesaid aspect of the matter, we have heard the counsel for the parties at some length.

3.1. Given the fact that the issues have been framed, counsel for the parties are agreed that the best way forward would be to expedite trial in the matter.

3.2. Accordingly, with the consent of counsel for the parties, the appeal is disposed of with the following directions.

(i) The appellant will file the affidavit(s) of evidence concerning his witness(es), within the next three [3] weeks.

(ii) Respondent no.1 will file the affidavit(s) of evidence of his witness(es), within three [3] weeks of the witness testimony(ies) being filed on behalf of the appellant.

(iii) Since we are told that respondent no. 2 has already been proceeded *ex parte*, no directions are issued *qua* respondent no. 2.

(iv). Once the affidavit of evidence of witness(es) is filed, the learned District Judge will fix the dates for cross-examination of witnesses.

(v) The aforesaid exercise will be completed, within the next ten [10] weeks.

(vi) The learned District Judge will endeavour to conclude the trial and render a judgment in the matter, on or before 31.05.2022.

(vi) Lastly, the appellant shall abide by the directions issued *qua* him *via* order dated 29.01.2022, during the pendency of the suit.

4. Parties will act based on the digitally signed copy of this order.



NEUTRAL CITATION NO: 2022/DHC/000822

5. Consequently, pending applications shall stand closed.

RAJIV SHAKDHER, J

JASMEET SINGH, J

MARCH 2, 2022/dm

Click here to check corrigendum, if any

