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

Date of decision: 22.08.2023

+ CM(M) 1357/2023 & CM APPL. 43171/2023 CM APPL. 43172/2023
ROYALSHIELD TECHNOLOGIES INDIA PVT LTD & ORS.

..... Petitioners

Through: Mr. Raghav Narayan, Advocate

versus

ROYAL ENGINEERING CONSULTANCY PVT LTD

..... Respondent

Through: None

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CORAM:

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

J U D G M E N T

MANMEET PRITAM SINGH ARORA, J (ORAL):

1. This petition filed under Article 227 of the Constitution of India impugns the order dated 01.08.2023, passed by District Judge, Commercial Saket Courts, New Delhi, in CS (COMM) 146/2021, titled as ***Royal Engineering Consultancy Pvt. Ltd. v. Royalshield Technologies India Pvt. Ltd. & Ors.***, whereby the Petitioners' right to cross-examine the PW-1 was closed by the Trial Court.

2. The Petitioners herein are the defendants and the Respondent is the plaintiff in the suit.

2.1 The learned counsel for the Petitioners states that the Petitioners have been diligently prosecuting the suit. He states that PW-1 who was in the witness box has already been partly cross-examined by the Petitioner on



03.06.2023.

2.2 He states however, subsequently, on 06.07.2023, the counsel for the Petitioner was blessed with a child and since, the Petitioners' counsel and his spouse are living in a nuclear family, the Petitioners' counsel was on paternity leave assisting his wife in raising the child who was 25 days old on 01.08.2023. He states that there was no other family member to assist his spouse. He states that due to the illness of new born baby, he was unable to attend any other legal proceedings/cases before any Court on 01.08.2023.

2.3 He states that Petitioner No. 2 i.e., the defendant No.2 was personally present in Court to apprise the Court with respect to the personal difficulty of the counsel. He states that the counsel has now resumed his professional work and is in capacity to remain physically present before the Trial Court and conclude the cross-examination of PW-1.

2.4 He states that the Petitioner undertakes to not seek any further adjournment before the Trial Court and make arrangement for an alternate counsel if required.

2.5 He states that the matter is next listed before the Trial Court on 28.08.2023 and he will be present to cross-examine the PW-1 on dates fixed by the Trial Court. He states he will not take more than three (3) hearings to conclude the cross-examination of the PW-1. He states that the time is required in view of the fact that the affidavit by way of evidence itself is of 54 pages and the documents are voluminous of around 3000 pages.

3. None appears for the Respondent despite advance service.

4. This Court has considered the submission of counsel for the Petitioners and perused the record.

5. The counsel for the Petitioner appearing before the Trial Court and



appearing today before this Court is the same.

6. In view of the personal difficulty expressed by the counsel for the Petitioner and in view of the undertaking given that Petitioner will not seek any further adjournment before the Trial Court on his personal ground or the personal ground of the counsel, this Court sets aside the order dated 01.08.2023 on the following conditions:

- (i) The Petitioner shall remain duly represented before the Trial Court on 28.08.2023 and every subsequent date fixed by the Court.
- (ii) No adjournment will be sought by the Petitioner on any ground whatsoever.
- (iii) In case, the present counsel for the Petitioner is not available due to his personal difficulty again, the Petitioner will ensure that he makes an arrangement for alternate counsel to represent and conclude the cross-examination of PW-1.
- (iv) The cross examination of PW-1 will be concluded in a time bound manner.

7. With the aforesaid directions, the present petition is disposed of. Pending applications stand disposed of.

MANMEET PRITAM SINGH ARORA, J

AUGUST 22, 2023/hp/sk

[Click here to check corrigendum, if any](#)