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

Date of decision: 18.12.2023

+ CM(M) 1962/2023 & CM APPL. 61353/2023

MR SAPAN AHLAWAT & ANR. Petitioner

Through: Mr. Mandeep Baisala, Advocate with
Petitioner No.1 in person

versus

MOHAN CLOTHING COMPNAY PVT.

LTD.

..... Respondent

Through: Mr. Naresh Gupta, Advocate

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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):

CM APPL. 61353/2023 (for exemption)

Allowed, subject to all just exceptions.

Accordingly, the present application stands disposed of.

CM(M) 1962/2023

1. This petition filed under Article 227 of Constitution of India impugns the order dated 02.11.2023 passed by the District Judge (Commercial Court – 04), Central District, Delhi in CS DJ No. 2070/2018, titled as ‘**Mohan Clothing Company Pvt. Ltd. v. Sapan Ahlawat and Anr.**’, whereby the Trial Court closed the defendant’s evidence.

2. Learned counsel for the Petitioner i.e., defendant no.1 states that the statement made before this Court as recorded at paragraphs 3, 3.1 and 3.2 of the order dated 29.11.2023 have been complied with. He has handed over a demand draft for Rs. 25,000/- towards costs to the Respondent, which has been accepted.



3. In reply, learned counsel for Respondent i.e., the plaintiff, states that the evidence affidavit of the Petitioner dated 02.11.2023 is beyond the pleadings in the written statement. He states that he reserves his rights to raise his objections in this regard at the stage of tendering of evidence by the witness.

4. Accordingly, with the consent of the parties, the following directions are being passed:

(i) Petitioner no.1 shall remain personally present at 10:30 A.M. before the Trial Court on next date of hearing for recording of his evidence.

(ii) Petitioner No.1 will remain present thereafter on each date until his examination and cross examination is concluded.

5. It is directed that in case the Petitioner No.1 defaults in appearance on the next date of hearing or any other date subsequently fixed for examination and cross examination, his right to lead evidence shall stand closed and no further extension of time shall be granted.

6. With the aforesaid directions, the present petition is disposed of. Pending application stands disposed of.

7. The statement made by the Petitioner before this Court on 29.11.2023 to the effect that Petitioner No.1 is the sole witness of the defendants will continue to bind them.

MANMEET PRITAM SINGH ARORA, J

DECEMBER 18, 2023/msh/aa

Click here to check corrigendum, if any