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

% ***Date of Decision: 25th October, 2024***

+ CM(M) 3716/2024 & CM APPL. 63126-63127/2024

LAKSHMI BANSALPetitioner

Through: Mr. Sohil Sharma, Advocate.
(through V.C.)

versus

SUPRABHAT ELECTRIC CO. PVT. LTD.....Respondent

Through: None.

CORAM:

HON'BLE MR. JUSTICE MANOJ JAIN

J U D G M E N T (oral)

1. Petitioner is defending a *commercial suit* and is aggrieved by order dated 11.09.2024 whereby her application moved under Section 151 CPC has been dismissed whereby she had sought opportunity to cross-examine the plaintiff as well as to lead her own evidence.
2. I have seen various orders passed by the learned Trial Court, from time to time, as well as the order impugned herein i.e. order dated 11.09.2024 and perusal of those would, very clearly, indicate that the petitioner herself is responsible for her miseries and the position in which she finds herself today. For the reasons best known to her, she never availed the opportunities came her way all along as granted to her by the learned Trial Court, on several previous occasions.
3. The issues were framed on 18.01.2024 and dates and timelines were fixed as per *case management hearing*. Specific dates for evidence were given to plaintiff as well as to defendant and learned Trial Court also fixed



up a date for hearing final arguments.

4. It is quite clear that the defendant did not defend the matter in the right earnest and made a virtual mockery of the timelines fixed by the learned Trial Court. The following chart would depict the same:-

DATE	PURPOSE	PROCEEDINGS	REMARK
13.02.2024	PE	Defendant changed her counsel and sought adjournment	Adjournment granted
20.02.2024	PE	Request from defendant as she was unable to obtain copies from her previous counsel	Adjournment granted
05.03.2024	PE	Defendant did not appear for cross-examining the witness and sought adjournment to inspect the file	Adjournment granted subject to cost of Rs.5,000/-.
14.03.2024	PE	Adjournment sought on the ground that the daughter of the defendant was unwell	Adjournment granted
24.04.2024	PE	Defendant was directed to clear the cost. Counsel for the defendant declined to cross-examine PW1 on the ground that affidavit of admission/denial filed by the plaintiff was not proper.	In view of the opportunities already granted, learned Trial Court closed her right to cross-examine PW-1.

6. Thereafter, the matter was taken up for recording defendant's evidence on 15.05.2024, but neither any evidence-affidavit was filed nor any DW was present and there was request from the side of the defendant, claiming that her counsel was unwell. Though no application was moved in writing and no medical document was filed, the adjournment was still granted, subject to cost.

7. On the next date i.e. 01.06.2024, learned counsel for the defendant sought adjournment citing health issues. Though the earlier cost was not



cleared, learned Trial Court, still, gave one more indulgence to defendant for leading her evidence subject to further cost of Rs.10,000/-. It was, however, made clear that in case, the cost was not paid or the affidavit of defendant was not filed, DE would be closed.

8. On 06.07.2024, there was no change in the situation as neither the cost was paid nor any affidavit was filed. Resultantly, DE was closed.

9. It was in the above said backdrop that the Court started hearing final arguments and when written submissions were filed from the side of the plaintiff, the defendant, instead, moved the above said application under Section 151 CPC seeking opportunity to cross-examine PW-1 as well as to lead her own evidence.

10. A careful perusal of the impugned order also goes on to indicate that the defendant has taken the things for granted and, for the reasons best known to her, she did not avail the opportunities which had been given to her time and again by the learned Trial Court.

11. This Court is conscious of the fact that the suit in question concerns a commercial dispute and, therefore, even otherwise, the disposal of such suit is to be expeditious, in view of the intent and objective with which the Commercial Courts Act, 2015 has been brought into existence.

12. Therefore, there is no reason whatsoever to interfere with the impugned order dated 11.09.2024.

13. The petition is, accordingly, dismissed.

(MANOJ JAIN)
JUDGE

OCTOBER 25, 2024/st