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

+ **CM(M) 4084/2024**

**DREAM TREADERS FILMS (INDIA)
PRIVATE LIMITED**

.....Petitioner

Through: Mr. Swastik Verma and Mr. Sinha
Shrey Nikhilesh, Advs.

versus

RAMANAND MITTAL

.....Respondent

Through: Mr. Sandeep Sharma, Mr. Sarthak
Mannan and Ms. Konika, Advs.

CORAM:

HON'BLE MR. JUSTICE RAVINDER DUDEJA

ORDER

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13.12.2024

CM APPL. 73436/2024 (exemption)

Allowed, subject to all just exceptions.

The application stands disposed of.

CM(M) 4084/2024

1. The petition challenges the order dated 27.11.2024 passed by the learned District Judge, Commercial Court-04, South-West District, Dwarka District Court, Delhi.
2. Petitioner is the defendant in the suit for recovery filed by the respondent before the Commercial Court.
3. Vide impugned order dated 27.11.2024, the learned Trial Court closed the right of the petitioner to cross-examine PW-1 on account of non-appearance of the counsel for the petitioner. The learned counsel for petitioner submits that he could not appear because of his wedding and that



his absence was on account of bona fide reason and was not deliberate.

4. Perusal of the previous order of trial court dated 19.11.2024 reveals that examination-in-chief of PW-1 was recorded but cross-examination was deferred at the request of proxy counsel on the ground of the marriage of the main counsel of the defendant.

5. The learned counsel of petitioner submits that the date granted by Trial Court was very short and he was not available even on 27.11.2024 on account of his marriage.

6. During arguments, the learned counsel of respondent states that he has no objection in case petitioner is granted one more opportunity to cross-examine PW-1, subject to cost.

7. In view of the ground explained, as also the concession granted by the learned counsel of respondent, the petition is disposed of with direction that petitioner will get only one opportunity to cross-examine.

8. This is further subject to direction that petitioner shall not seek adjournment for cross-examination on account of any reason whatsoever and shall deposit a cost of Rs.5,000/- with the Delhi High Court Advocates Welfare Fund before the next date fixed before the trial court.

RAVINDER DUDEJA, J

DECEMBER 13, 2024/sky