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

+ **CM(M) 126/2025**

M/S SURGI AID PHARMA

.....Petitioner

Through: Mr. Jai Ram Garg and Mr. Sandeep
Singh Nainwal, Advocates.

versus

M/S INSTROMEDIX INDIA PVT LTD

.....Respondent

Through: Mr. Mayank Rustogi, Mr. J. Karan
Malhotra and Ms. Anjali Pandey,
Advocates.

CORAM:

HON'BLE MR. JUSTICE RAVINDER DUDEJA

ORDER

21.01.2025

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CM APPL. 3709/2025 EXEMPTION

Allowed, subject to all just exceptions.

The application stands disposed of.

CM(M) 126/2025 and CM APPL. 3710/2025 STAY

1. This is a petition under Article 227 of the Constitution of India for setting aside the order dated 05.07.2024 passed by the learned District Judge, Tis Hazari Courts, Delhi in case titled as M/s Instromedix India Pvt. Ltd. vs. M/s Surgi Aid Pharma.
2. Petitioner is the defendant in the suit for recovery.
3. Petitioner filed an application under Order 11 Rule 2 and 14 read with Section 151 CPC for directions to the plaintiff to give reply to each



interrogatory and for production of record. He has also filed an application under Order 11 Rule 11, 13 and 14 for directions to the plaintiff to file all the original documents mentioned in the application.

4. Vide order dated 05.07.2024, the trial court observed that during the cross examination of PW-1, the petitioner had already put several questions out of the questions asked by way of his application under Order 11 Rule 2 and 14 CPC, and therefore directed the plaintiff to file his affidavit by mentioning as to how many questions out of the said interrogatories have been put to PW-1.

5. Regarding the second application for production of documents, again a direction was issued to the petitioner to file his affidavit mentioning the documents asked to be produced by his counsel to PW-1 during cross-examination.

6. Learned counsel for the petitioner submits that the order has been passed against the procedure prescribed, and therefore, is liable to be set aside.

7. It appears from the order that the trial court before issuing any directions to the respondent wanted to have the clarity with regard to the questions to be answered through interrogatories by the petitioner as also with regard the documents required to be produced by the petitioner inasmuch as many questions out of the questions raised in the application were already asked from the witness during cross examination.

8. After part submissions, learned counsel for the petitioner states that petitioner may be permitted to furnish the information as asked for by the trial court vide order dated 05.07.2024 by filing reply.

9. The Court feels that the purpose would be served, in case the



petitioner furnishes the information asked for by filing reply supported by an affidavit.

10. Learned counsel for the petitioner further submits that he may be granted 15 days time to file such replies.

11. The request made is accepted with direction to the petitioner to comply with the order dated 05.07.2024 by filing replies within a period of 15 days.

12. The petition is disposed of in terms of the above order.

13. Copy of this order be given dasti under the signatures of the Court Master.

RAVINDER DUDEJA, J

JANUARY 21, 2025/ib/fs