



2025:DHC:4753



\$~43

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

%

Date of Decision: 26.05.2025+ **C.R.P. 43/2023 & CM Appl.7137/2023****M V CLOTHING****.....Petitioner**Through: Mr. Pardeep Dhingra and Ms.
Deepanshu Dhama, Advs.

versus

M/S ANITA TEXTILES & ANR.**.....Respondents**Through: Mr. Hemendra Singh Kashyap, Adv.
for R-1.**CORAM:****HON'BLE MS. JUSTICE TARA VITASTA GANJU****TARA VITASTA GANJU, J.: (Oral)**

1. The present Petition has been filed under Section 115 of the Code of Civil Procedure, 1908 [hereinafter referred to as "CPC"] read with Article 226 of the Constitution of India impugning the order dated 08.02.2023 [hereinafter referred to as "Impugned Order"] passed by the learned ADJ-07, South East District, Saket Courts, Delhi.

2. By the Impugned Order, the suit filed by the Petitioner/Plaintiff has been dismissed in terms of Order IX Rule 8 of the CPC for non-prosecution and the learned Trial Court has directed that the interim order dated 25.07.2014 has been vacated. The learned Trial Court has found that repeated adjournments were being taken by the Petitioner (Plaintiff before the learned Trial Court) and even after imposition of costs, adjournments were continued to be taken. Thus, the suit was dismissed by the learned Trial Court.

3. A Coordinate Bench of this Court by its order dated 14.02.2023 had



directed that Respondent No. 2/Canara Bank will not release the letter of credit bearing no. 234IOUU141220010 dated 02.05.2014 till the next date of hearing. The interim protection has continued thereafter.

4. Learned Counsel for the Respondent No.1 submits that the Petitioner was grossly negligent in the appearance as well as in the proceedings before the learned Trial Court. However, and in the interest of expediency, learned Counsel for Respondent No. 1 submits that the Impugned Order may be set aside putting the Petitioner to some terms.

5. Learned Counsel for the parties submit that the matter was at the stage of Plaintiff's evidence when the suit was dismissed.

6. After some arguments, learned Counsel for the Petitioner submit that he limits his prayer in the present Petition to a direction for an expeditious trial in the matter. Learned Counsel for Respondent No. 1 submits that he would have no objection if such a direction is passed.

7. The Impugned Order is accordingly set aside. The Petitioner shall make payment of costs in the sum of Rs. 7,500/- to be paid to Respondent No. 1 within two weeks.

8. Accordingly, and with the consent of the parties, the following directions are passed:

- (i) Both the parties will file their respective list of witnesses within a week from today;
- (ii) The parties shall be given a time of three months for recording their respective evidence including cross-examination. In the event, any additional time is required, the learned Trial Court has a discretion to extend



2025:DHC:4753



the same, based on an Application filed by the party.

9. Learned Counsel for the parties submit that they will not take any unnecessary adjournments before the learned Trial Court. The parties are bound down by the statement made by their Counsel.

10. The parties shall appear before the learned Trial Court on 06.06.2025 at 10 am.

11. The Petition is disposed of in the foregoing terms. Pending Application also stands closed.

12. The parties will act based on the digitally signed copy of the order.

TARA VITASTA GANJU, J

MAY 26, 2025/r

Click here to check corrigendum, if any