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

+ CM(M) 1259/2025 & CM APPL. 42049/2025
M/S MYSORE LIGHT AND INTERIORS PVT LTDPetitioner

Through: Mr. Ravi Ranjan with Mr. Prakash
Kumar, Advocates.

versus

ASHISH TYAGIRespondent

Through: Mr. Shantnu Aggarwal with Mr.
Ninad Dogra, Advocates.

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+ CM(M) 429/2025 & CM APPL. 13060/2025
ASHISH TYAGIPetitioner

Through: Mr. Shantnu Aggarwal with Mr.
Ninad Dogra, Advocates.

versus

MYSORE LIGHT AND INTERIORS PVT LTDRespondent

Through: Mr. Ravi Ranjan with Mr. Prakash
Kumar, Advocates.

CORAM:

HON'BLE MR. JUSTICE MANOJ JAIN

ORDER

% **30.07.2025**

1. Mr. Ashish Tyagi has filed a suit which is commercial in nature and seeks recovery of a sum of Rs. 3,78,551/-.
2. The plaintiff is aggrieved by order dated 03.02.2025 whereby the application filed by the defendant company filed under Order IX Rule 7 CPC has been allowed, subject to cost of Rs. 20,000/- which was eventually reduced to Rs.15,000/- by virtue of order dated 01.05.2025.
3. The defendant has also filed a separate petition and they challenge a subsequent order dated 19.05.2025 whereby on account of non-payment of cost, the order dated 01.05.2025 has been recalled and the defence of the



defendant has been struck off.

4. After hearing arguments for some time, learned Counsel for the defendant submits that, he does not press his petition and would have no objection to the impugned order, whereby their defence has been struck off. He, however, submits that the case is already at the stage of final arguments and, as a last resort, he may be permitted to cross-examine Mr. Ashish Tyagi within the limited sphere as, admittedly, their defence is lying struck off.

5. According to learned counsel for the defendant, by virtue of such cross-examination, he wants to demonstrate that the suit is non-commercial in nature and also wants to challenge the jurisdictional aspects.

6. Learned Counsel for the plaintiff submits that though, while allowing the application under Order IX Rule 7 CPC, the learned Trial Court should not have granted further time to defendant to submit written statement, in view of the aforesaid statement made by the learned counsel for the defendant, he also does not press his petition and submits that he would have no objection if one last and final opportunity is granted to defendant to cross-examine plaintiff within the limited sphere of law, *albeit*, subject to some cost.

7. In view of the above, both the abovesaid petitions are hereby disposed of as not pressed. However, in view of the abovesaid, and as agreed by learned counsel for parties, learned Trial Court shall grant one effective opportunity to defendant to cross-examine Mr. Ashish Tyagi.

8. Such examination would be within the limited scope as the defence of the defendant is lying struck off.

9. For causing delay, the defendant is also burdened with cost of Rs. 10,000/- which shall be paid to the plaintiff on the date fixed before the learned Trial Court.



10. The plaintiff would be permitted to appear before the learned Trial Court on the said date i.e. 01.08.2025 and, subject to the availability of time and convenience of the board of the learned Trial Court, the Trial Court would be at liberty to permit defendant to cross examine said plaintiff as per the abovesaid observations, same day.

11. Petition stands disposed of in aforesaid terms.

12. Pending application also stands disposed of in aforesaid terms.

MANOJ JAIN, J

JULY 30, 2025/sw/PB