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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CM(M) 445/2025 & CM APPL. 16333/2025**
M/S WARM FORGINGS PVT. LTD.

.....Petitioner

Through: Dr. Pankaj Garg, Mr. Yaksh Garg, Ms.
Saumya Jain and Ms. Yashna Ahuja,
Advocates.

versus

RECKON INDUSTRIES LTD.

.....Respondent

Through: None.

CORAM:
HON'BLE MR. JUSTICE MANOJ JAIN

ORDER
20.03.2025

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CM(M) 445/2025 & CM APPL. 16191/2025 (stay)

1. The petitioner is defending a recovery suit and is aggrieved by the order dated 03.02.2025 whereby his applications moved under Section 11 CPC and under Order XXIII Rule 3 CPC have been dismissed by the learned Trial Court.
2. The next date in the present petition is 13.05.2025.
3. However, in the interregnum, the abovesaid application i.e. CM APPL. 16191/2025 has been moved by the petitioner and he submits that when the matter was taken up by the learned Trial Court on 10.03.2025, the learned Trial Court had closed the opportunity to lead evidence in defence, which has seriously prejudiced the petitioner.
4. The copy of such subsequent order dated 10.03.2025 has also been placed on record.

CM(M) 445/2025

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5. Heard.

6. After hearing arguments for some time, learned counsel for petitioner submits that, without prejudice to his rights and contentions, he does not press his main petition i.e. CM(M) 445/2025 which lays challenge to order dated 03.02.2025.

7. He, however, submits that he may be granted permission to file another substantive petition impugning the abovesaid order dated 10.03.2025.

8. In view of the abovesaid statement made by learned counsel for petitioner, present petition is disposed of as not pressed.

9. It is, however, clarified that all the rights and contentions of the parties are reserved.

10. Simultaneously, the petitioner is at a liberty to file a substantive petition challenging order dated 10.03.2025 whereby his defence evidence was closed.

11. The next date is cancelled.

MANOJ JAIN, J

MARCH 20, 2025/ss/js