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

% ***Date of Decision: 09th April, 2025***

+ **CM(M) 669/2025 & CM APPL. 21261-21262/2025**

H.S. OBEROI BUILDTECH PVT. LTD.Petitioner

Through: **Mr. Pawan Kumar Mittal, Advocate**
versus

SUPERIOR GLASS PVT. LTD.Respondent

Through: **Mr. Anubhav Bhasin, Advocate**
(Through VC)

CORAM:

HON'BLE MR. JUSTICE MANOJ JAIN

J U D G M E N T (oral)

1. Issue involved in the present petition is very short and precise.
2. Petitioner is defending a suit for recovery of Rs. 7,32,564/- with interest etc.
3. When the matter was taken up by learned Trial Court on 10.03.2025, it declined the request of adjournment coming from the side of defendant and, resultantly, closed its opportunity to lead evidence.
4. Mr. Pawan Kumar Mittal, learned counsel for petitioner does admit that the matter was not defended by the defendant in the manner it should have been but he submits that the matter is now fixed for further consideration before the learned Trial Court on 17th instant and he would ensure that the solitary defendant witness i.e. DW1 Mr. M.S. Oberoi appears before the learned Trial Court so that his examination and cross-examination is concluded and, thereafter, the learned Trial Court may even hear the final arguments. He submits that there is no intention whatsoever to delay the matter any further. He leaves to the discretion of this Court to put them to



any terms.

5. On the basis of request made by this Court, Mr. Pawan Kumar Mittal, learned counsel for petitioner contacted Mr. Anubhav Bhasin, learned counsel for respondent/plaintiff who has joined the proceedings through videoconferencing. He submits that the conduct of the defendant does not deserve any compassion or leniency but keeping in mind the aforesaid statement made by Mr. Pawan Kumar Mittal, he would have no objection if one opportunity is granted to them with some stringent conditions.

6. Affidavit of DW1 Mr. M.S. Oberoi is already, reportedly, on record.

7. Keeping in mind the aforesaid, present petition is disposed of with the direction that DW1 Mr. M.S. Oberoi shall appear before the learned Trial Court on 17.04.2025 at 10.00 AM so that as per the board position of learned Trial Court, he is examined and cross-examined same day.

8. Learned Trial Court, as per its board position and convenience, would also be at liberty to hear final arguments same day.

9. However, for causing delay in the matter, petitioner herein i.e. defendant-company is burdened with cost of Rs. 25,000/- which shall be paid to the opposite side on the aforesaid fixed date i.e. 17.04.2025.

10. Petition, along with all the pending applications, stands disposed of in the aforesaid terms.

11. A copy of this order be given *dasti*, under the signatures of Court Master.

(MANOJ JAIN)
JUDGE

APRIL 9, 2025/dr/pb