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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CM(M) 738/2025 & CM APPL. 24058-24059/2025**

M/S KARAN GARMENTS

.....Petitioner

Through: Mr. Karan Aggarwal, Mr. Aditya Kr. Singhal, Ms. Neetu Singhal, Mr. Naresh Kumar and Mr. Naveen Singhal, Advocates along with petitioner.

versus

M/S AYUSHI DENIM LLP

.....Respondent

Through: None.

CORAM:
HON'BLE MR. JUSTICE MANOJ JAIN

ORDER
24.04.2025

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1. Petitioner is defending a suit which is commercial in nature and is aggrieved by order dated 26.03.2025 whereby his application moved under Order VII Rule 11 has been dismissed.
2. However, during course of the arguments, learned counsel for the petitioner/defendant, apprised this Court that the issues were framed by the learned Commercial Court on 22.01.2025 and the dates were given for the purposes of recording of evidence of the plaintiff and of the defendant, before the learned Local Commissioner.
3. The plaintiff was to lead his evidence on 10.02.2025 and 11.02.2025 and the defendant was required to lead his evidence on 17.02.2025 and 19.02.2025.

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4. Though the plaintiff had got recorded his evidence, the defendant did not lead evidence as, in the interregnum, it had moved application under Order VII Rule 11 CPC.
5. Learned counsel for the petitioner/defendant submits that since application seeking rejection of the suit had been filed on the point of limitation, defendant did not appear for leading evidence on those two fixed dates. He supplements that there was never any intention to delay the proceedings and it all happened as an important aspect of limitation was involved and the defendant had moved an application under Order VII Rule 11 CPC. He submits that a great prejudice has been caused to the defendant as the case has now been fixed for final disposal and judgment, without there being any evidence from the side of the defendant.
6. During course of the arguments, learned counsel for the petitioner submits that, without prejudice to his rights and contentions, he does not lay any challenge with respect to impugned order dated 26.03.2025. He, however, seeks permission and liberty to file appropriate application, within one week, before the learned Commercial Court seeking one opportunity to lead its evidence. He also prays that, if such application does not find favour with the learned Commercial Court, he may be given another opportunity to invoke supervisory jurisdiction of this Court again.
7. The case is, reportedly, fixed for 26.04.2025 before the learned Commercial Court for submission of some record by the plaintiff and also for disposal.
8. None appears on behalf of the respondent despite advance notice.
9. Keeping in mind the abovesaid, the present petition is disposed of as not pressed.



10. However, as undertaken above, the petitioner/defendant is granted liberty to move appropriate application before the learned Trial Court seeking permission to lead evidence in defence.
11. Let such application be filed within one week from today and, in case, any such application is filed, the learned Trial Court would consider the same in accordance with law, after giving due opportunity of hearing to both the parties.
12. The petition stands disposed of in aforesaid terms.
13. Pending applications, if any, stand disposed of.
14. Copy of this order be given *dasti* under the signatures of court master.

MANOJ JAIN, J

APRIL 24, 2025/ng/SS