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

+ CM(M)-IPD 16/2025, CM APPL. 26137/2025-Stay, CM APPL. 26138/2025-Exp, CM APPL. 26139/2025-Exp, CM APPL. 26140/2025-For filing lengthy synopsis and list of dates

DOORDARSHAN DIRECTORATE & ANR.Petitioners

Through: Mr. Uddyam Mukherjee, Mr. Swapnil Pattanayak and Mr. Agnibha Chatterjee, Advs.

versus

M/S VOICE, VISION

.....Respondent

Through: Mr. Himal Akhtar, Mr. Juned Salmani and Ms. Rehana, Advs.

CORAM:

HON'BLE MR. JUSTICE SAURABH BANERJEE

ORDER
05.05.2025

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1. By virtue of the present petition under Article 227 of the Constitution of India, the petitioners seek the following reliefs:-

“(a) Pass appropriate Orders / Directions to the Ld. District Judge (Commercial – 01), Patiala House Courts Complex, New Delhi, to allow the Application under Section 151 of the Code of Civil Procedure, 1908 seeking re-fixation of dates for recording evidence of the Petitioners and the Respondent, filed by the Petitioners in CS (Comm.) No. 143 of 2022; and

(b) Pass appropriate Orders / Directions to the Ld. District Judge (Commercial – 01), Patiala House Courts Complex, New Delhi thereby modifying the Order dated 07.03.2025 in CS (Comm.) No. 143 of 2022 thereby allowing the Petitioner to complete cross examination of the witnesses of the Respondent and file Evidence by way of Affidavits of its witness(s); and

(c) Pass any other order or orders as the Court may deem fit and proper in the facts and circumstances of the case.”

2. As per the case set up, the cross-examination of PW2 has been



partly concluded and the petitioners/ defendants are yet to file the affidavit-in-evidence of the two witnesses they wish to produce before the learned Trial Court.

3. Issue notice.

4. Learned counsel for the respondent/ plaintiff therein accepts notice. Supporting what has been recorded by the learned Trial Court in the impugned order, he opposes the grant of the reliefs sought by petitioners/ defendants therein. However, he submits that the present petition can be allowed subject to binding the petitioners/ defendants therein to fixed terms and subject to imposition of costs as may be deemed fit, proper and appropriate by this Court.

5. In view of the chequered history involved, as also considering that there has been a change of counsel of the petitioners/ defendants therein and the cross-examination of the PW-1 before the Ld. District Judge (Commercial-01), Patiala House Courts Complex, New Delhi in CS (Comm.) No. 143 of 2022 has been concluded and the petitioners/ defendants therein have commenced with the cross-examination of the PW-2, it is deemed appropriate to grant one more opportunity to learned counsel for the petitioners/ defendants therein to conclude the cross-examination of the PW-2 on one day before the learned Court Commissioner and further grant a last opportunity to the said petitioners/ defendants therein to file the affidavit-in-evidence of the two witnesses they wish to produce before the learned Trial Court within a period of two weeks.

6. It is also made clear that the petitioners/ defendants therein shall also produce both their witnesses, whose cross-examination shall be



concluded by learned counsel for the respondent/ plaintiff therein within one date each before the learned Court Commissioner.

7. In view thereof, the present petition is allowed with the aforesaid directions, albeit, subject to cost of Rs.25,000/- payable to the Lawyers Social Security and Welfare Fund [A/C 155530100009730; IFSC UCBA0001553] within a period of two weeks.

8. Considering the above scenario and taking into account that the extension granted is due to delay on the part of the petitioners/ defendants therein, it is directed that the fee of the Local Court Commissioner for cross-examination of the aforesaid witnesses shall be borne by the petitioners/ defendants.

9. Renotify before the learned Trial Court on 14.05.2025.

10. The present petition stands disposed of.

SAURABH BANERJEE, J

MAY 5, 2025/bh