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

% ***Date of Decision: 26th May, 2025***

+ CM(M) 1000/2025 & CM APPL. 32842-32843/2025

COMFORT NET TRADERS (INDIA) PVT. LTD.Petitioner

Through: Mr. Kanwal Chaudhary and Mr. Ankit
Kumar, Advocates

versus

STELLAR AND UNIMAX INDIA LTD. & ANR.

.....Respondent

Through:

CORAM:

HON'BLE MR. JUSTICE MANOJ JAIN

J U D G M E N T (oral)

1. Petitioner is defending a suit which seeks recovery of Rs. 22,38,953/-.
2. Petitioner is aggrieved by order dated 21.05.2025 whereby PW1, who was earlier under cross-examination, has now been permitted to enter into witness box for examination-in-chief for proving Board Resolution dated 17.04.2024. It is submitted that such request was not liable to be entertained by the learned Trial Court and is in teeth of the specific observations made in *Ram Rati Vs. Mange Ram (D) Thr. Lrs. & Ors. (2016) 11 SCC 296*.
3. This Court has gone through the impugned order dated 21.05.2025 whereby such permission was granted. However, said order cannot be read in isolation and it has to be read in conjunction with previous order dated 11.03.2025.
4. When PW1 was already under cross-examination, plaintiff had moved an application seeking permission to place on record one Board Resolution



and *vide* aforesaid order dated 11.03.2025, learned Trial Court allowed such application and *permitted the plaintiff to place on record such Board Resolution and also to prove the same.*

5. Undoubtedly, witness was already under cross-examination but in view of the aforesaid development and the permission granted by the learned Trial Court itself to prove the aforesaid document, there is nothing wrong in the order whereby learned Trial Court has permitted the plaintiff/PW1 to enter into witness box again to make reference about the aforesaid Board Resolution. Needless to say, defendant would always be at liberty to put questions in this regard during cross-examination.

6. There cannot be any debate or qualm with respect to the settled legal position as mentioned in *Ram Rati Vs. Mange Ram (D) Thr Lrs. & Ors.* (supra). In that case, it was observed that Order 18 Rule 17 CPC was not meant to enable the parties to recall any witness and to prove additional material which could not be produced when the evidence was being recorded. It was also observed that the above provision was, primarily, a provision, enabling the Court to clarify any issue or doubt.

7. Fact remains that in the aforesaid judgment, it is also, categorically, observed that the rigour under Rule 17 does not affect the inherent powers of the Court to pass required orders for ends of justice to reopen the evidence for the purpose of examination or cross-examination or even for production of fresh evidence. In the present case, as already noticed above, learned Trial Court itself permitted the respondent to place on record and to prove the Board Resolution and such order dated 11.03.2025 has not been challenged anywhere and, therefore, as a necessary corollary, the plaintiff, as per the directions of Court itself, becomes entitled to prove the aforesaid document.



8. This Court, therefore, does not find any illegality and perversity in the impugned order.
9. Petition is accordingly dismissed.
10. All the pending applications are also disposed of in the aforesaid terms.

MANOJ JAIN, J

MAY 26, 2025/dr/shs