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* IN THE HIGH COURT OF DELHI AT NEW DELHI

% *Date of Decision: 07th July, 2025*

+ CM(M) 1156/2025 & CM APPL. 39087-39088/2025

GOODRICH MARITIME PVT. LTD.Petitioner

Through: Mr. Ashwani Kumar and Ms. Iti
Sharma, Advocates

versus

M/S RASHVINZ EXPORTSRespondent

Through: Mr. Amique Khalid and Mr. Rajesh
Kumar, Advocates.

CORAM:

HON'BLE MR. JUSTICE MANOJ JAIN

J U D G M E N T (oral)

1. Petitioner herein is defending a suit for damages.
2. When the case was at the stage of defendant's evidence and the defendant had already examined its one witness, it sought one more date to examine one more witness i.e. DW Ms. Leena Mathew.
3. Such opportunity was declined *vide* order dated 02.04.2025. Learned Trial Court was of the view that name of the proposed witness was not mentioned in the list of witnesses and, therefore, there was no justifiable reason to allow any such request and the case was accordingly fixed for final arguments.
4. When the matter was taken up by learned Trial Court on 19.05.2025, petitioner sought review of the aforesaid order and also apprised the learned Trial Court that even the plaintiff had no objection if the aforesaid witness was permitted to be examined. However, learned Trial Court, has declined to review the order while observing that merely because there was "no objection" from the side of plaintiff it would not make any favourable case in favour of the defendant.



5. Such order is under challenge.
6. Learned counsel for respondent/plaintiff appears on advance notice and when asked, he reiterated that he had given his no objection. He reiterates that even as on date, he would have “no objection” if one last and final opportunity in this regard is granted to the petitioner to examine said witness Ms. Leena Mathew.
7. Next date before the learned Trial Court is stated to be 23.07.2025 for final arguments.
8. Undoubtedly, the review could not have been allowed merely on the basis of concession given by the adversary, keeping in mind the overall facts and circumstances of the case, the present petition is allowed and, resultantly, the defendant/petitioner herein is permitted to examine said witness Ms. Leena Mathew.
9. Next date before the learned Trial Court is 23.07.2025 and since affidavit of aforesaid witness is stated to be on record already, let aforesaid witness appear on the next date before the learned Trial Court so that her examination and cross-examination take place on the date fixed i.e. 23.07.2025.
10. The present petition stands disposed of in the aforesaid terms.
11. Pending applications also stand disposed of in the aforesaid terms.

(MANOJ JAIN)
JUDGE

JULY 7, 2025/dr/shs