



2025:DHC:6288



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* IN THE HIGH COURT OF DELHI AT NEW DELHI

% *Date of Decision: 28th July, 2025*

+ CM(M) 2987/2024 & CM APPL. 41074/2024

SANJEEV DUGGAL

.....Petitioner

Through: Mr. Yash Chaturvedi and Mr. Praveen
Yadav, Advocates

versus

KAPIL KUMAR SEHGAL

.....Respondent

Through: Mr. Ashutosh Gupta, Mr. Gaurav
Rana and Mr. Ajitesh Kumar,
Advocates

CORAM:

HON'BLE MR. JUSTICE MANOJ JAIN

J U D G M E N T (oral)

1. Petitioner is defending a suit which is commercial in nature.
2. When the case was at the stage of defendant's evidence, the defendant moved an application under Order XVI Rule 2 CPC seeking summoning of three more witnesses.
3. Learned Trial Court, keeping in mind the fact that when the issues were framed, both the sides were directed to file *list of witnesses* within fifteen days and since such direction had not been complied with, it refused to take such *list of witnesses* on record and, resultantly, has dismissed the aforesaid application.
4. Such order dated 05.04.2024 is under challenge.
5. Pursuant to notice, learned counsel for respondent/plaintiff appears.
6. Heard.
7. During course of the arguments, learned counsel for



respondent/plaintiff submitted that though there is no justifiable reason to interfere with the impugned order, since the suit of the plaintiff is getting delayed, he would have no objection if subject to imposition of reasonable cost, defendant/ petitioner is permitted to examine the three witnesses cited in such list.

8. As per list of witnesses, defendant wants to examine its one Chartered Accountant and two bank officials.

9. Learned counsel for defendant/petitioner also submits that as far as Chartered Accountant is concerned, he would bring the aforesaid witness to the Court on the next date of hearing and for the rest of the two witnesses, he would seek issuance of summons.

10. Next date before the learned Trial Court is stated to be 01.08.2025.

11. Keeping in mind the overall facts and circumstances of the case and the gracious concession given by learned counsel for respondent/plaintiff, the present petition is allowed with request to the learned Trial Court to permit defendant to examine said three witnesses.

12. As far as the concerned Chartered Accountant is concerned, he would appear before the learned Trial Court on the date fixed and on that day, subject to convenience of the board of learned Trial Court, such witness be examined. Defendant would, however, ensure that advance copy of the affidavit, if any, of the aforesaid witness is duly supplied to plaintiff/learned counsel for plaintiff.

13. For the other two witnesses, a request be made to the learned Trial Court on the date fixed for the purpose of issuance of summons to them. It is, however, made clear that the defendant/petitioner would be entitled to one opportunity for examining said Chartered Accountant and one opportunity for



2025:DHC:6288



the aforesaid two witnesses.

14. For causing delay in the matter, petitioner is also burdened with cost of Rs. 15,000/-, which be paid to the respondent/plaintiff on 01.08.2025.

15. Matter stands disposed of in aforesaid terms.

16. Pending application also stands disposed of in the aforesaid terms.

(MANOJ JAIN)
JUDGE

JULY 28, 2025/dr/js