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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CM(M)-IPD 35/2025, CM 215/2025, CM 216/2025, CM 217/2025 &
CM 218/2025

DOORDARSHAN DIRECTORATE & ANR.Petitioners
Through: Mr. Uddyam Mukherjee, Mr. Swapnil
Pattanayak and Mr. Agnibha
Chatterjee, Advocates.

versus

M/S VOICE, VISIONRespondent
Through: Mr. Himal Akhtar, Mr. Juned Salmani
and Ms. Rehana, Advocates.

CORAM:
HON'BLE MR. JUSTICE TEJAS KARIA

% **ORDER**
28.08.2025

1. This is a Petition filed under Article 227 of the Constitution of India, 1950 being aggrieved by the order dated 25.07.2025 (“**Impugned Order**”) passed by the learned District Judge (Commercial-01), Patiala House Court, New Delhi (“**Commercial Court**”) in CS(COMM) 143/2022, whereby the Petitioners’ / Defendants’ application to place on record its affidavit by way of evidence was rejected.
2. Issue Notice. The learned Counsel for the Respondent / Plaintiff appearing on advance service accepts Notice.
3. The learned Counsel for the Petitioners / Defendants has submitted that pursuant to the order dated 05.05.2025 passed in CM(M) IPD 16/2025, the cross-examination of PW-2 was concluded on 23.05.2025 and although the Petitioners / Defendants were directed to file the affidavit of evidence of



two witnesses within a period of two weeks, there was some delay and the affidavit of evidence was filed on 22.07.2025 along with an application for seeking condonation of delay in filing the affidavit of evidence.

4. The learned Counsel for the Petitioners / Defendants has submitted that there was a genuine and reasonable ground for delay in filing the affidavit of evidence after the cross-examination of PW-2 was completed on 23.05.2025.

5. It was further submitted that the learned Commercial Court, *vide* the Impugned Order, dismissed the application filed by the Petitioners / Defendants on the ground that sufficient opportunity was granted to the Petitioners / Defendants to file the affidavit of evidence *vide* order dated 05.05.2025 in CM(M) IPD 16/2025.

6. The learned Counsel for the Respondent / Plaintiff has submitted that this is a Commercial Suit and the issues were framed on 03.03.2023 and the Suit has to be concluded within the time prescribed under the Commercial Courts Act, 2015.

7. The Impugned Order records that once the Petitioners / Defendants were shown indulgence by this Court and limited time period was granted to the Petitioners / Defendants by this Court, it was beyond the judicial propriety for the learned Commercial Court to overreach that order by giving more time.

8. The application was dismissed by the learned Commercial Court only on the ground that this Court *vide* order dated 05.05.2025 in CM(M) IPD 16/2025 had granted only two weeks to the Petitioners / Defendants to file the affidavit of evidence.

9. Considering that the Petitioners / Defendants are a Department of



Government of India and that the application seeking condonation of delay in filing the affidavit of evidence of witnesses of the Petitioners / Defendants filed before the learned Commercial Court mentions the reasons for delay that the time was taken for approval in vetting by various departments of the Petitioners / Defendants and because the matter relates to a very old programme, the records were spread across various departments.

10. Considering the averments made in the application for condonation of delay and the submissions made by the learned Counsel for the Petitioners / Defendants and also considering the submissions made by the learned Counsel for the Respondent / Plaintiff, the delay in filing the affidavit of evidence of the Petitioners / Defendants before the learned Commercial Court is hereby condoned, subject to the Petitioners / Defendants paying a cost of ₹1,00,000/- (Rupees One Lakh Only) to the Respondent / Plaintiff within a period of two weeks from date.

11. As the matter is fixed for final arguments on 29.08.2025 before the learned Commercial Court, the Parties shall bring this Order to the notice of the learned Commercial Court, who would fix a date for concluding the cross-examination of the Petitioners' / Defendants' witnesses within a period of two weeks and, thereafter, proceed to hear the final arguments.

12. The Petition is disposed of in the aforesaid terms.

13. Order *dasti* under the signature of Court Master.

TEJAS KARIA, J

AUGUST 28, 2025/sms