



2025:DHC:4707



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**% ***Date of Decision: 28th May, 2025***

+ CM(M) 3425/2024 & CM APPL. 55040/2024

M/S BHARTI ELECTRONICS

.....Petitioner

Through: Mr. Bharat Bagga, Advocate.
versus

M/S SIKAND CAR WORLD PVT LTD & ANR.

.....Respondent

Through: Mr. Inderdeep Singh, Advocate.

58

+ CM(M) 3753/2024 & CM APPL. 64134-64135/2024

M/S BHARTI ELECTRONICS

.....Petitioner

Through: Mr. Bharat Bagga, Advocate.
versus

M/S SIKAND CAR WORLD PVT LTD & ANR.

.....Respondent

Through: Mr. Inderdeep Singh, Advocate.

CORAM:**HON'BLE MR. JUSTICE MANOJ JAIN****J U D G M E N T (oral)**

1. With the consent of learned counsel for both the parties, both these matters which are inter-connected, have been taken up together.
2. The petitioner herein is plaintiff in CS(Comm) No.472/20232 *M/s. Bharti Electronics vs. M/s. Sikand Car World Pvt. Ltd.* and seeks recovery of Rs.5,41,942/-.
3. In CM(M) 3753/2024, its grievance is with respect to the manner in



which its right to lead evidence has been closed by the learned Trial Court on 05.09.2024 and in the second petition i.e. CM(M) 3425/2024, it takes exception to order dated 25.07.2024 whereby its request for placing on record additional documents has been declined.

4. Learned counsel for respondent/defendant has entered appearance in both the abovesaid petitions and when these petitions were taken up by this Court on 16.05.2025, Mr. Inderdeep Singh, learned counsel for respondent, in all fairness, submitted that he would have no objection if prayer in both the abovesaid petitions are allowed, *albeit*, subject to imposition of heavy cost.

5. This Court has gone through the impugned orders and keeping in mind the overall facts of the case and, in particular, the gracious concession given by learned counsel for respondent, both the abovesaid petitions are disposed of with the following directions:-

- (i) Petitioner seeks to examine two witnesses viz its authorised representative and one representative of the concerned courier company.
- (ii) Let list of said two witnesses be filed before the learned Trial Court within ten days from today and the learned Trial Court, subject to its board position, would give one last and final opportunity to plaintiff to examine its said witnesses.
- (iii) It is expected that whatever date is given in this regard by the learned Trial Court, the plaintiff would ensure that requisite steps are taken and witnesses appear before the learned Trial Court for recording of their evidence.
- (iv) The documents which the petitioner wanted to place on record by moving such application, which was otherwise to be



2025:DHC:4707



considered as one filed under Order XI Rule 1(5) CPC, is also hereby allowed and thus the petitioner would be at liberty to make reference to all such documents in his evidence affidavit.

- (v) For causing delay in the matter and for not placing on record these documents at earlier stage and for not leading evidence promptly, the petitioner is burdened with consolidated cost of Rs.25,000/- which shall be paid to the defendant on the next date of hearing, before the learned Trial Court.

6. Both the petitions stand disposed of in aforesaid terms.
7. The pending applications also stand disposed of in aforesaid terms.

(MANOJ JAIN)
JUDGE

MAY 28, 2025/ss/js