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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CM(M) 1985/2025, CM APPL. 64483/2025, 64487/2025,**
64484/2025, 64486/2025 & 64485/2025

COTTAGE INDUSTRIES EXPOSITION LTDPetitioner

Through: Mr. Anunaya Mehta, Mr. Inder Singh
Adhikari, Mr. Vidhan Malik and Ms.
Anandita Tayal, Advocates

versus

GOPAL DAS ESTATES AND HOUSING PVT LTDRespondent

Through: Mr. Ashok Chhabra, Mr. Bimlesh
Shekhar and Mr. Kunal Jaggi,
Advocates

CORAM:
HON'BLE MR. JUSTICE GIRISH KATHPALIA

% **ORDER**
14.10.2025

1. Petitioner/defendant has assailed order dated 28.04.2025 of the learned trial court, whereby application filed by petitioner/defendant for permission to examine all defendant's witnesses was dismissed. The application was dismissed largely on the ground that chief affidavits of witnesses other than DW1 (*already under cross-examination at that time*) had not been filed. However, the learned trial court permitted continuation of cross-examination of DW1.
2. After addressing partly, learned counsel for petitioner/defendant, on instructions of his client, seeks permission to withdraw this petition



unconditionally as after elaborate discussion for about 30 minutes, it is disclosed by learned counsel for respondent/plaintiff that the petitioner/defendant has concealed that it is *ex-parte* and defendant's evidence was closed, regarding which application of the petitioner is pending.

3. In view of above circumstances, as requested, the petition and the accompanying applications are dismissed as withdrawn. However, at request of learned counsel for petitioner/defendant, it is made clear that the present order shall not stand in the way of application of petitioner/defendant for setting aside *ex-parte* and the same shall be decided on merits.

GIRISH KATHPALIA, J

OCTOBER 14, 2025/as