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IN THE HIGH COURT OF DELHI AT NEW DELHI

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CM(M) 2085/2025, CM APPL. 68181/2025 & CM APPL. 68180/2025

A.S. INDUSTRIES INDIA

.....Petitioner

Through: Mr. Shivam Jangra, Advocate.

versus

KALRA PLASTIC

.....Respondent

Through: None.

CORAM:

HON'BLE MR. JUSTICE GIRISH KATHPALIA

ORDER

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03.11.2025

1. The petitioner/defendant has assailed order dated 26.08.2025 of the learned Commercial Court, whereby defendant's evidence was closed as no evidence affidavit was filed and none appeared for petitioner/defendant.
2. The petition is based on the ground that on 26.08.2025, lawyers were on strike. Firstly, allowing such excuse would be sanctifying strikes by lawyers, which cannot be done in view of settled legal position. Secondly, there is no explanation as to why even chief affidavit was not filed prior to the date of hearing.
3. At this stage, learned counsel for petitioner seeks permission to withdraw this petition with liberty to file appropriate application before the trial court because according to learned counsel, the petitioner/defendant had suffered injury also.
4. Accordingly, the petition and the accompanying applications are dismissed as withdrawn with liberty as sought.

GIRISH KATHPALIA, J

NOVEMBER 3, 2025/ry