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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

% ***Date of Decision: 22nd April, 2025***

+ **CM(M) 4000/2024 & CM APPL. 71508/2024**

M/S JAY COLOUR COMPANYPetitioner

Through: **Mr. Harshit Jain, Advocate**
(through V.C.)

versus

M/S SURENDER KUMAR JAINRespondent

Through: **Mr. S.B. Sharma with Mr. Ramesh Kumar, Mr. Ankit Sharma and Ms. Ankita, 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. During pendency of the abovesaid suit, the defendant (petitioner herein) moved an application seeking permission to summon witness from GST Department. Such request has been disallowed by the learned Trial Court *vide* order dated 29.11.2024.
3. Such order is under challenge.
4. After hearing arguments for some time, Sh. S.B. Sharma, learned counsel for the respondent/plaintiff submits that in order to avoid any unwarranted delay in his own suit, he would have no objection if the present petition is allowed and one opportunity is granted to the defendant/petitioner to examine the concerned official from GST Department.
5. The Court has gone through the impugned order and it is quite



evident that the application has, primarily, been dismissed on the ground of conduct of the defendant as well as delay in moving such application.

6. Be that as it may, since learned counsel for respondent/plaintiff has no objection to such examination, the present petition is disposed of with direction to learned Trial Court to permit the defendant/petitioner to call the concerned official from GST Department with relevant record. However, it is clarified that only one effective opportunity in this regard would be available to the defendant.

7. This Court expects that requisite steps required for summoning the concerned official with the relevant record, are taken without any unnecessary delay.

8. The suit in question is fixed for further consideration before the learned Trial Court tomorrow itself and, as undertaken today, the defendant shall move appropriate application to the abovesaid effect.

9. The petition stands disposed of accordingly.

10. All the pending applications also stand disposed of.

(MANOJ JAIN)
JUDGE

APRIL 22, 2025
st/pb