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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **FAO(OS) 17/2025 & CM APPL. 7995/2025**
M/S UNIFYED LLC AND ANR.Appellants
Through: Mr. Sukhmeet Singh, Adv.
versus
NEERAJ KAINTH & ORS.Respondents
Through: Mr. Saurabh Upadhyay, Mr. Hardikaa
Kalia and Mr. Adhyatmik Khanna,
Adv. for R-1.
Mr. Siddharth Chaturvedi, Adv. for
R-2.
Mr. Divye Chugh and Mr. Nimish
Chib, Adv. for R-3.
Mr. Kirti Uppal, Sr. Adv. with Mr.
Manish Sharma, Mr. Harkiran Kalra
and Ms. Archisha Satyarthi, Adv. for
R 4 and 5.

CORAM:

HON'BLE MR. JUSTICE VIVEK CHAUDHARY

HON'BLE MS. JUSTICE RENU BHATNAGAR

ORDER

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17.04.2026

1. The present appeal has been filed under Section 10 of the Delhi High Court, 1966 arising out of the judgment dated 20.12.2024 passed by the learned Single Judge of this Court, in IA No. 2651/2024 in CS (OS) 645/2023.
2. The sole grievance of the appellants herein is that after deleting the names of defendant nos. 5 and 6 (respondent nos. 5 and 6 herein), they have been directed to appear as witnesses of defendant nos. 1 to 4 during the trial of the Suit.
3. The said direction was passed without giving any opportunity of hearing to defendant nos. 1 to 4 and without their consent.
4. Learned counsel for the plaintiff (respondent no. 1 herein) submits that



the defendant nos. 5 and 6 may appear as witnesses of the plaintiff instead of defendant nos. 1 to 4.

5. It goes without saying that it is always the discretion of the Court, in case it requires any person to appear as a witness in the matter, to call him and take his statement. The same could be for any of the party or even otherwise, without such person being designated as a witness of any of the party, he may be called as a witness by the Court itself.

6. Therefore, the impugned judgment dated 20.12.2024 is modified to an extent that instead of directing defendant nos. 5 and 6 to appear as witnesses of defendant nos. 1 to 4, they shall appear as witnesses of the plaintiff or as witnesses summoned by the Court.

7. An objection is also raised by the learned counsel for the appellants with regard to the undertaking given by defendant nos. 5 and 6 before the Court that they shall not do any act which may impact the shares. Such undertaking is given by defendant nos. 5 and 6 and defendant nos. 1 to 4 cannot have any objection with regard to the undertaking given by any other party. Therefore, there is no force in the submission of the learned counsel for the appellants on this ground too.

8. In view of foregoing, with the aforesaid directions, the appeal stands disposed of.

9. Pending application, if any, also stands disposed of.

VIVEK CHAUDHARY, J

RENU BHATNAGAR, J

APRIL 17, 2026/r/ht