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

+ **FAO (COMM) 81/2026**

**SHRI NARINDER KUMAR TRADING AS M/S KUNDAN
TRADING COMPANY (PROP FIRM).Appellant**

Through: Mr. Arvind Singh, Adv.

versus

KYOTO TOOL CO., LTD. & ORS.Respondents

**Through: Mr. Manish Biala and Mr. Devesh
Ratan, Advs. for R-1.**

CORAM:

HON'BLE MR. JUSTICE V. KAMESWAR RAO

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

% 11.05.2026

1. This appeal lays a challenge to the order dated 03.02.2026 passed by the learned District Judge (Commercial Court)-08, Tis Hazari Courts (Central), Delhi whereby the application under Order XXXIX Rules 1 & 2 of the Code of Civil Procedure, 1908 has been dismissed.
2. We have been informed by the learned counsel for the respondents that the suit is at the stage of respondent no.1's evidence. The evidence of the respondent no.2 has been recorded and respondents nos.3 and 4 being performa parties, their evidence is not required.
3. At this stage, learned counsel for the respondent no.1 states as he has filed affidavit of evidence, he is ready to produce the sole witness for examination on the date fixed by this Court before the Local Commissioner (LC). Accordingly, we fix the dates for recording the evidence before the



LC as 18.05.2026 & 19.05.2026. We take on record the submission made by the learned counsel for the respondent no.1 that the respondent no.1 shall not take an adjournment before the LC.

4. If that be so, it is expected that the LC shall complete the recording of evidence on the aforesaid two dates. As we have been informed that the next date of hearing before the learned District Judge is 23.05.2026, it is expected that the learned District Judge shall hear the counsel for the parties on the said date or any date to which the suit is adjourned, and decide the suit in accordance with law.

5. The appeal is disposed of.

V. KAMESWAR RAO, J

MANMEET PRITAM SINGH ARORA, J

MAY 11, 2026/rk