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

\# **CNR No. DLHC010467372026**

\+ CM(M) 2161/2026

M/S THREE-N-PRODUCTS PRIVATE LIMITED (THROUGH ITS DIRECTORS) .....Petitioner

Through: Mr. Devesh Vashishtha and Mr. Himanshu Khulbe, Advs.

versus

M/S HIND PRECISION (THROUGH ITS PARTNER MR. MANPREET SINGH) .....Respondent

Through: Mr. Nikhil Malhotra and Ms. Zubia Ali, Advs.

CORAM:
HON'BLE MR. JUSTICE AJAY DIGPAUL

O R D E R

% 28.10.2026

CM APPL. 74130/2026 (*Preponement*)

1. The present application has been filed on behalf of the petitioner, seeking early hearing of the petition.

2. The matter is taken up for hearing today and the early hearing is allowed.

3. The application stands disposed of.

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4. Through the present petition, the petitioner/defendant assails the order dated 10.07.2026, passed by the learned District Judge (Commercial Court)-01 West, Tis Hazari Courts, Delhi, in CS (Comm) No.372/2025, titled *"M/s Hind Precision Vs M/s Three N Products Pvt. Ltd."*.

5. Briefly stated, in 2025, the respondent/plaintiff instituted the

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underlying suit claiming *inter alia* Rs. 29, 02, 439/- along with *pendente lite* and future interest @18% *per annum* till its realization.

6. Pursuant thereto, the petitioner was served on 22.05.2025, however since no written statement was filed even after the lapse of 120 days, the defence of the defendant was struck off *vide* order dated 14.10.2025 and the plaintiff's evidence got concluded on 18.03.2026.

7. After final arguments, while the matter was fixed for final judgment, an application was moved by the respondent under Order XI Rule 1(5) of the Code of Civil Procedure, 1908 ("CPC"), as applicable to the Commercial Courts Act, 2015, seeking permission to place on record rectified documents, including a rectified affidavit under Order XI Rule 6(3) CPC, as applicable to the Commercial Courts Act, 2015 and a rectified certificate under Section 63 of the Bharatiya Sakshya Adhiniyam, 2023 ("BSA"). The said application was allowed by the learned Trial Court *vide* order dated 28.04.2026, subject to cost of Rs. 5,000/-.

8. Consequently, the respondent filed the additional affidavit of evidence of PW-1 *qua* the additional documents and although the petitioner was entitled to cross-examine PW-1 *qua* the additional documents, the petitioner chose not to.

9. Thereafter, the petitioner filed an application under Section 151 CPC seeking recall of the order dated 28.04.2026, which was dismissed by the learned Trial Court *vide* impugned order dated 10.07.2026.

10. Aggrieved thereby, the petitioner has preferred the present petition.

11. After some arguments, the learned counsels for the parties are *ad idem*, that the petitioner be permitted to cross-examine PW-1 *qua* the additional documents i.e. the rectified affidavit under Order XI Rule 6(3)

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CPC, as applicable to the Commercial Courts Act, 2015 and the rectified certificate under Section 63 BSA. The aforesaid submission of the parties, coming on instructions, is hereby taken as an undertaking.

12. The learned counsel for the petitioner further undertakes that the petitioner does not wish to press the prayers in the petition and only wishes to make a limited prayer to the effect that the petitioner be permitted to cross-examine PW-1 *qua* the additional documents.

13. In view thereof, this Court believes that it would be apposite to grant one last and final opportunity to the petitioner to cross-examine PW-1 strictly *qua* the additional documents on the next date of hearing i.e., 31.10.2026 or on any other date as may be convenient to the learned Trial Court, subject to payment of cost of Rs. 10,000/- payable by the petitioner to the respondent on or before 31.10.2026.

14. In case the petitioner fails to make the payment within the prescribed period, the indulgence granted hereinabove shall stand vacated without further reference to this Court and the learned Trial Court shall be at liberty to proceed further with the matter in accordance with law.

15. Nothing further survives for adjudication in the matter and thus, the present petition stands disposed of in the aforementioned terms.

16. The date of hearing already fixed, i.e. 11.01.2027, stands cancelled.

AJAY DIGPAUL, J

OCTOBER 28, 2026
Sk/as

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