



2026:DHC:8164



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**# **CNR No. DLHC010447132026**+ **CM(M)-IPD 48/2026 and CM 240/2026**Date of decision: **21.09.2026****THREE N PRODUCTS PRIVATE LIMITED**Petitioner*(Through: Mr. Daves Vashishtha and Mr. Himanshu, Advocates.)*

versus

KASANA RAM CHAUDHARY

.....Respondent

*(Through: Mr. Rishab Kapoor, Advocate.)***CORAM:****HON'BLE MR. JUSTICE PURUSHAINDR KUMAR KAURAV****J U D G E M E N T****PURUSHAINDR KUMAR KAURAV, J. (ORAL)****CM 238/2026 and CM 239/2026 (for exemption)**

1. Plaintiff shall file legible/original/certified and clearer copies of exempted documents, compliant with practice rules, before the next date of hearing.
2. The applications for exemption are allowed, subject to the plaintiff granting inspection of the documents filed, as and when required to do so, or filing the original documents at the stage of admission/denial.
3. The applications stand disposed of.

CM(M)-IPD 48/2026

1. The instant petition is for the following reliefs:-

“a) Allow the present Petition directed against the Impugned Order



dated 02.09.2026 passed by the Ld. District Judge, Sh. Harish Kumar (Commercial Court- 04), Tis Hazari Courts, West District, New Delhi in C.S. (COMM) No. 982 of 2025 titled Three-N-Products Private Limited vs. Kasana Ram Chaudhary.

b) Set aside the Impugned Order dated 02.09.2026 passed by the Ld. District Judge, Sh. Harish Kumar (Commercial Court- 04), Tis Hazari Courts, West District, New Delhi in C.S. (COMM) No. 982 of 2025 titled Three-Products Private Limited vs. Kasana Ram Chaudhary;

c) Restore the Petitioner's right to lead evidence and grant the Petitioner one final opportunity to lead its evidence, within such time and subject to such terms and conditions as this Hon'ble Court may deem fit and proper in the facts and circumstances of the present case; and

d) Pass any other order or orders as the Court may deem fit and proper in the facts and circumstances of the case."

2. Mr. Daves Vashishtha, learned counsel for the petitioner submits that the Impugned Order of closure of its right to lead the evidence is illegal and improper. The same has seriously prejudiced the case of the petitioner. It is his contention that the petitioner is a senior citizen and was not keeping well and on account thereto, the petitioner was unable to provide necessary and proper instructions for preparation and recording of its evidence.

3. Submissions made on behalf of the petitioner are vehemently opposed by Mr. Rishab Kapoor, learned counsel appearing on behalf of the respondent. He contends that after closure of the right to lead evidence, the Court below has proceeded with the matter and on 17.09.2026, arguments on behalf of the plaintiff have been substantially heard. The matter was thereafter, fixed for remaining arguments on 19.09.2026 and the same is again deferred for 26.09.2026. It is his contention that the plaintiff has not placed on record any document to substantiate its submission *qua* illness of its Director.

4. I have considered the submissions made by learned counsel for the



parties and perused the record.

5. No doubt, the plaintiff was extended the opportunity to lead the evidence before the Local Commissioner. With the consent of the parties, the Court has earlier decided three months time to complete the evidence on behalf of them. The plaintiff, however, has explained the circumstances beyond his control and submits that in the interest of justice, one last opportunity for leading plaintiff's evidence be granted.

6. Reliance is placed on the decision of this Court in the case of **Deepak vs. Ramesh Sethi**¹, whereby, the Court has held that there cannot be straight jacket formula with respect to the grant of opportunity to the parties. The Court should be lenient in extending opportunity to the parties to lead evidence, and should not reject it on mere hyper-technical reason. The relevant portion of the said decision is extracted as under:-

“13. The right to lead evidence is pivotal to a fair trial and partakes of the character of natural justice and fair play. No doubt, where a party is unconscionably indolent, the Court may put its foot down and close the right of the party to lead evidence; else, as adversarial litigations are meant to be tried after allowing the parties to an adequate opportunity to place their respective stands on record, the Court should not be hyper-technical, in the matter of granting opportunity to lead evidence and the like.”

7. Bearing in mind the aforesaid enunciation of law, the Court finds that the interest of justice would be better served if one last opportunity is granted to the plaintiff to lead the evidence. Accordingly, the Court deems it appropriate to issue following directions:-

- (i) The plaintiff is directed to file an affidavit of evidence of all the witnesses within a period of 15 days from today before the concerned

¹ CM (M) 306/2022; dated 08.04.2022



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Local Commissioner;

- (ii) The respondent shall also be at liberty to file an affidavit of the witnesses within a period of 15 days thereafter;
- (iii) The cross-examination of the witnesses of the parties shall undertake within a period of one month from the date of filing of the affidavit by the respondent;
- (iv) Thereafter, the Court below shall proceed to hear the arguments of the parties afresh. The same, however, shall remain subject to payment of the costs on the plaintiff;
- (v) The plaintiff is directed to pay cost of Rs.15,000/- directly to the respondent before the concerned Local Commissioner on the next date of hearing.

8. So far as the submission made on behalf of the respondent with respect to an amicable resolution between the parties is concerned, the said aspect is left open to be explored by the concerned Court.

9. With the aforesaid directions, the instant petition stands disposed of. All pending applications also stand disposed of.

(PURUSHAINDRA KUMAR KAURAV)
JUDGE

SEPTEMBER 21, 2026

Nc