



2025:DHC:8960



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

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*Date of Decision: 09.10.2025*

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**CM(M) 1949/2025, CM APPL. 63132/2025 & CM APPL. 63131/2025**

NAND LAL

.....Petitioner

Through: Ms. Roopal Sharma, Advocate  
(through videoconferencing).

versus

SANJAY JAIN

.....Respondent

Through: Mr. Vipin Dilawari, Advocate.

**CORAM: JUSTICE GIRISH KATHPALIA****ORDER (ORAL)**

1. Petitioner/defendant has assailed order dated 29.07.2025 of the learned Commercial Court, whereby the defendant's evidence was closed, posting the matter to 19.08.2025 for final arguments.
2. Learned counsel for respondent/plaintiff appearing on advance intimation accepts notice and opposes the petition.
3. In response to a specific query, it is informed by both sides that on 19.08.2025, the petitioner/defendant moved an application before the trial court for adjournment on the ground that he had filed the present petition, so



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the matter was adjourned by the trial court to 08.09.2025 and on that day again, the petitioner/defendant sought adjournment on the ground of filing of the present petition, so the matter was posted to 15.10.2025 for final arguments.

4. The impugned order reflects that on 29.07.2025, the matter was passed over repeatedly by the trial court, but till 03:50 pm, neither the defendant nor his counsel nor any other witness appeared, so referring to the previous default, the learned trial court closed the defendant's evidence.

5. The default in appearance on 29.07.2025 is explained by learned counsel for petitioner/defendant on the ground of illness of the petitioner/defendant and in that regard, she has referred to the medical certificate (*Annexure-C*) of the petitioner/defendant. But the said medical certificate fails to inspire confidence because the same was issued on 29.07.2025 itself, that too by some private doctor in Sonapat whereas the petitioner/defendant is a resident of Palwal. Besides, learned counsel for respondent/plaintiff has also placed before me ordersheets of the trial court, observing that the petitioner/defendant always falls ill on the dates of hearing only.

6. In the above backdrop, after some discussion, learned counsel for both sides on instructions request for disposal of this petition with consent that one and only one opportunity may be allowed to the petitioner/defendant to conclude his evidence, subject to the petitioner/defendant paying costs of Rs. 30,000/- to the respondent/plaintiff through counsel on 15.10.2025,



which is the date fixed for final arguments.

7. Accordingly, the present petition and the accompanying applications are disposed of with the direction that on 15.10.2025, the petitioner/defendant shall first pay costs of Rs. 30,000/- to the respondent/plaintiff through counsel before the trial court and thereafter, the learned trial court shall fix a fresh date for recording evidence of the petitioner/defendant. It is further directed that entire evidence of petitioner/defendant (*according to learned counsel for petitioner/defendant, only one witness has to be examined by her*) shall be concluded on the date so fixed by the learned trial court on 15.10.2025 according to calendar of the trial court. It is made clear that if cost is not paid on 15.10.2025 or the evidence is not led by petitioner/defendant on the next date thereafter, no further opportunity to lead evidence shall be granted.

**GIRISH KATHPALIA  
(JUDGE)**

**OCTOBER 9, 2025/dr**