



2025:DHC:8473



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

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Date of Decision: 23.09.2025

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CM(M) 1894/2025, CM APPL. 60504/2025 & 60503/2025

PARAMOUNT TEXTILE MILLS PVT. LTD.Petitioner

Through: Mr. Abhishek Kaushik and Mr.
Ayush Ranjan, Advocates

versus

RDSS FAB PVT. LTD.Respondent

Through: Mr. Shreyek Gupta, Advocate

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

1. Petitioner/defendant has assailed order dated 15.09.2025 of the learned trial court, whereby the learned trial court rejected the request for taking the list of witnesses on record.

2. It appears that in the suit, issues were framed on 19.08.2025, granting opportunity to both sides to file their respective list of witnesses by 01.09.2025, posting the matter for plaintiff's evidence on 15.09.2025. On 15.09.2025, counsel for the petitioner/defendant submitted his list of witnesses, but the same was not taken on record by the learned trial court on the ground that the same was not filed within time and no sufficient cause was shown to explain the delayed filing of the list.

3. Learned counsel for respondent/plaintiff appearing on advance intimation accepts notice and strongly opposes the petition contending that



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since the petitioner/defendant did not file an application for condonation of delay in filing the list of witnesses, there is nothing before this Court under supervisory jurisdiction to test as to whether non-grant of condonation of delay was justified.

4. In this regard, learned counsel for petitioner contends that since the authorized representative of petitioner is based in Madurai, he could not get the application signed and supported by affidavit in time. Learned counsel for respondent/plaintiff submits that he has no objection if the petitioner/defendant is granted an opportunity to file a formal application before the learned trial court for condonation of delay in filing the list of witnesses, so that the respondent/plaintiff gets an opportunity to respond to the application.

5. In above circumstances, with consent of both sides, this petition and the accompanying applications are disposed of, granting the petitioner/defendant two weeks to file before the learned trial court formal application for condonation of delay in filing the list of witnesses and that application shall be adjudicated upon by the learned trial court after hearing both sides. However, it is made clear that on the date already fixed, i.e., 25.09.2025, the recording of plaintiff's evidence shall continue.

**GIRISH KATHPALIA
(JUDGE)**

SEPTEMBER 23, 2025/as