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

% *Date of Decision: 05th May, 2025*

+ CM(M) 823/2025 & CM APPL. 26910/2025
M/S ASHOK AGGARWAL AND SONS

.....Petitioner

Through: Mr. Dheeraj Gupta and Ms. Ritu Singh, Advocates.

versus

AMROSE SINGAPORE PTE. LTD & ORS.

.....Respondent

Through: Mr. Gautam Awasthi, Mr. Ayush Choudhary, Mr. Devanshu Yadav, Mr. Sameer Pandey, Advocates for R-2.

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+ CM(M) 844/2025 & CM APPL. 27170/2025
M/S JYOTI TIMBERS.

.....Petitioner

Through: Mr. Dheeraj Gupta and Ms. Ritu Singh, Advocates.

versus

AMROSE SINGAPORE PTE LTD & ORS.

.....Respondent

Through: Mr. Gautam Awasthi, Mr. Ayush Choudhary, Mr. Devanshu Yadav, Mr. Sameer Pandey, Advocates for R-2.

CORAM:

HON'BLE MR. JUSTICE MANOJ JAIN

J U D G M E N T (oral)

1. Since the question raised in both the aforesaid petitions is similar and identical, with the consent of the parties, both these petitions are being disposed of by this common order.

2. There are two suits pending before the learned District Judge,



(Commercial Court) concerned. One suit i.e. CS(Comm) No.380/2020 has been filed by *M/s. Ashok Aggarwal and Sons* and the other has been filed by *M/s. Jyoti Timbers* which bears number CS(Comm) No.258/2021.

3. The sole contesting defendant in both the abovesaid suits is *Indian Bank*. The other two defendants are *ex-parte* and their defence has been struck off.

4. The issues were framed in both the abovesaid suits on 04.03.2025 and the parties were directed to file their respective list of witnesses within 15 days and it was also clarified that in case no list of witnesses was filed, the parties would be permitted to only examine one witness each.

5. Admittedly, the list of witnesses by the plaintiff, in both the abovesaid cases was not filed within the time given by the learned Trial Court and resultantly, when the matter was taken up by the Court on 24.03.2025, it granted permission to plaintiff to examine only one witness.

6. Such order is under challenge.

7. Learned counsel for the petitioner/plaintiffs, in all fairness, admits that the plaintiffs should have filed their respective list of witnesses in terms of the specific direction given by the learned Trial Court and he also does admit that the suits, being commercial in nature, have to be disposed of, as expeditiously as possible.

8. Admittedly, the list of witnesses has already been placed on record on 23.04.2025 which contains names of seven witnesses. It is also submitted that evidence is being recorded today in one such case filed by *M/s. Ashok Aggarwal and Sons*.

9. On request made by this Court, learned counsel for petitioner contacted the counsel for Indian Bank.



10. Indian Bank is defendant No.2 in both the abovesaid suits.
11. Undoubtedly, there is no illegality or perversity in the impugned order and plaintiffs themselves are to be blamed for their miseries as they did not adhered to the specific directions given by the Court.
12. After hearing learned counsel for both the sides and since the list of witnesses has already been submitted before the learned Trial Court, the present petition is disposed of with request to learned Trial Court to consider the abovesaid list of witnesses, without being influenced by the impugned order, and after ascertaining the relevancy of the proposed witnesses, to permit the plaintiffs, in both the abovesaid cases, to examine any additional/relevant witness.
13. Learned counsel for petitioner submits that the authorized representative of plaintiff *M/s Jyoti Timbers* may not be in a position to attend the Court hearing tomorrow as his niece is getting married. He submits that he would move appropriate application in this regard before the learned Trial Court. As and when any such application is moved, the learned Trial Court shall also consider the same and would pass appropriate order, in accordance with law.
14. Both the petitions stand disposed of in aforesaid terms.
15. Pending applications, if any, stand disposed of.

(MANOJ JAIN)
JUDGE

MAY 5, 2025/ss/pb