



2025:DHC:3714



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
% **Date of Decision: 13th May, 2025**
+ CM(M) 892/2025 & CM APPL. 28879/2025 & CM APPL.
28880/2025
VISHAL SEHGAL

.....Petitioner

Through: Mr. Karanpreet Singh, Advocate.

versus

RUNGTA IRRIGATION LTD

.....Respondent

Through: Mr. Rajit Ghosh, Advocate

CORAM:

HON'BLE MR. JUSTICE MANOJ JAIN

J U D G M E N T (oral)

1. Petitioner herein has filed a suit for recovery which is commercial in nature.
2. When the matter was taken learned District Judge, Commercial Court on 26.11.2024, *notional issues* were framed. It was for the reason that the period of outer limit for filing written statement had yet not elapsed.
3. Fact remains that thereafter, defendant participated in the proceedings and also filed their written statement and on 14.01.2025, additional issues were also framed, based on such written statement.
4. The grievance in the present petition is very limited.
5. It is submitted that the learned District Judge, Commercial Court referred the parties to learned Local Commissioner for recording of evidence and the evidence of plaintiff Mr. Vishal Sehgal, as PW-1, has already been recorded but when the matter was, eventually, taken up by learned District



Judge, Commercial Court on 29.04.2025, noticing that the evidence had not been timely concluded by the plaintiff, its opportunity to lead further evidence has been closed.

6. It is submitted that the defendant, themselves, made a request on 24.04.2025 in whatsapp group created by learned Local Commissioner and, therefore, plaintiff did not bring his witness for the purposes of examination.

7. It is informed that petitioner/plaintiff is merely required to examine one Ms. Asha whose name, even otherwise, figures in the list of witnesses.

8. Learned counsel for respondent/defendant appears on advance notice and does not dispute that there was a request for adjournment from his side on 24.04.2025.

9. Admittedly, suit in question being commercial in nature has to be fast-tracked. The order directing closure of evidence seems to be in synchronization with such objective. Though, there cannot be said to be any kind of illegality and perversity in impugned order dated 29.04.2025, keeping in mind the overall facts of the case and the fact that defendant had also requested for adjournment, the present petition is allowed with permission to plaintiff to examine i.e. Ms. Asha.

10. It is also apprised that the matter was taken up by the learned Trial Court today also and learned Local Commissioner has been changed. The matter is fixed for tomorrow also before the learned Trial Court.

11. On said date i.e. 14.05.2025, and in terms of the abovesaid order, the learned Trial Court would permit plaintiff to examine PW-2- Ms. Asha through learned Local Commissioner. It is, however, made clear that plaintiff would be entitled to only one, though, effective opportunity in this regard and under no circumstance, his request for grant of another opportunity would



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be entertained.

12. Petition stands disposed of in aforesaid terms.
13. Pending applications also, stand disposed of in aforesaid terms.

(MANOJ JAIN)
JUDGE

MAY 13, 2025/sw/js