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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
% ***Date of Decision: 23rd May, 2025***
+ CM(M) 976/2025 & CM APPL. 32274-32276/2025
M/S J RAMAN AND COMPANY & ORS.

.....Petitioner

Through: Mr. Raj Kumar with Mr. Atul Singh
Rawat, Advocates.

versus

M/S RKG POLYMERS

.....Respondent

Through: None.

CORAM:
HON'BLE MR. JUSTICE MANOJ JAIN
J U D G M E N T (oral)

1. Petitioners are defending a Commercial suit which is at the stage of final arguments. When plaintiff entered into witness box for cross examination, during cross examination, the concerned witness denied his signatures on *settlement agreement*. Thereafter, the defendants moved an application seeking expert opinion with respect to his such signatures appearing on the *settlement agreement*.
2. However, learned Trial Court *vide* order dated 18.03.2025, permitted him to withdraw the abovesaid application, with liberty to file it afresh.
3. A copy of such order dated 18.03.2025 has also been shown during the course of hearing.
4. It is submitted that accordingly, when DE was over and when they moved an application in this regard, the learned Trial Court has rather



dismissed the abovesaid application on 13.05.2025.

5. Such order is under challenge.

6. The Court has gone through the application dated 27.02.2025 filed by defendants and it seems that there is no averment to the abovesaid effect, in the abovesaid application.

7. Learned counsel for the petitioners, in all fairness, submits that due to some oversight, the abovesaid important aspect could not be brought to the notice of the learned Trial Court which has resulted in dismissal of the abovesaid application.

8. The present petition is, accordingly, disposed of with liberty to petitioners herein to move appropriate application afresh, while also clearly making reference to the abovesaid order dated 18.03.2025, and as and when any such application is moved, the learned Trial Court, without getting prejudiced by the impugned order dated 13.05.2025, shall decide such application, after giving due opportunity of hearing to both the sides.

9. Pending applications stand disposed of in aforesaid terms.

10. Pending application also stand disposed of in aforesaid terms.

(MANOJ JAIN)
JUDGE

MAY 23, 2025/sw/JS