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

% ***Date of Decision: 25th March, 2025***

+ **CM(M) 553/2025 & CM APPL. 17400-17401/2025**

WARM FORGINGS PVT LTD

.....Petitioner

Through: Dr. Pankaj Garg, Senior Advocate
with Mr. Milind Garg, Mr. Yaksh
Garg, Ms. Saumya Jain and M.s
Yashna Ahuja, Advocates

versus

RECKON INDUSTRIES LTD.

.....Respondent

Through: Mr. Rajan Sabharwal, Advocate
(Through VC)

CORAM:

HON'BLE MR. JUSTICE MANOJ JAIN

J U D G M E N T (oral)

CM APPL. 17401/2025 (exemption)

Exemption allowed, subject to all just exceptions.

CM(M) 553/2025 & CM APPL. 17400/2025

1. Petitioner is defending a commercial suit and is aggrieved by order dated 10.03.2025 whereby his right to lead evidence in defence has been closed. Petitioner prays for examination of one witness only.
2. Mr. Rajan Sabharwal, learned counsel for respondent/plaintiff appears on advance notice and submits that though there is no illegality in the impugned order, without prejudice to his rights and contentions, they would have no objection if petition is allowed on certain conditions. He submits that the case is fixed tomorrow before the learned Trial Court and as contended by the petitioner herein that they would be examining only the concerned defendant in support of their case, he would have no objection if



such affidavit is filed before the learned Trial Court tomorrow itself and cost is also imposed upon petitioner for causing delay in the matter.

3. Learned counsel for petitioner reiterates that he merely wants to examine Mr. Amit Rajput as sole witness of the defendant and he also leaves it to the Court to pass further appropriate order in this regard. He also assures that affidavit of Mr. Amit Rajput would be submitted before the learned Trial Court tomorrow itself with advance copy to the opposite side.

4. Keeping in mind the overall facts and circumstances of the case and the statements made today by the learned counsel for the parties, present petition is disposed with direction to defendant to submit affidavit of Mr. Amit Rajput before the learned Trial Court tomorrow. It will be up to the learned Trial Court to either record the evidence of Mr. Amit Rajput itself or, as per the earlier arrangement, refer the matter to learned Local Commissioner for recording of evidence.

5. As already noticed above, defendants are not desirous of examining any other witness and, therefore, after recording of evidence of defendant, learned Trial Court would proceed to hear final arguments and then would dispose of the aforesaid suit in accordance with law.

6. Simultaneously, petitioner is also burdened with cost of Rs. 10,000/- which shall be payable to the opposite side tomorrow itself.

7. Petition stands disposed of in aforesaid terms.

(MANOJ JAIN)
JUDGE

MARCH 25, 2025/dr/shs