



2025:DHC:6095



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**% ***Date of Decision: 25th July, 2025***+ CM(M) 1360/2025 & CM APPL. 44671/2025 & CM APPL.
44672/2025

7 WONDERS INERNATIONAL

.....Petitioner

Through: Mr. Asim Naeem, Advocate.

versus

THE TRAVEL PROFESSIONALS

.....Respondent

Through: Mr. Pranav Gadi, Mr. Krishna Gaur,
Ms. Pavi Maheshwari and Ms.
Jaspreet Kaur Bedi, Advocates.**CORAM:****HON'BLE MR. JUSTICE MANOJ JAIN****J U D G M E N T (oral)**

1. Petitioner is defending a recovery suit and is aggrieved by order dated 31.05.2025 whereby his application moved under Order XVIII Rule 17 CPC has been dismissed.
2. The need for filing the abovesaid application arose, on account of one previous order dated 29.02.2024. On that day, there was no appearance from the side of the defendant and the plaintiff entered into witness box and after recording his evidence, since the plaintiff did not wish to examine any other witness, the case was fixed for *ex-parte* arguments.
3. The application moved by the defendant (petitioner herein) is also annexed with the present petition which, merely, prays for recalling of PW-1-Mr. Harpreet Singh for his cross-examination. Though, the defendant prayed for passing any further order as the learned Trial Court may deem fit



2025:DHC:6095



but somehow there is no specific prayer that the *ex-parte* order be also set aside, which ought to have been made by the defendant.

4. Learned counsel for respondent/plaintiff appears on advance notice and submits that the abovesaid suit is pending since 2016 and on various previous occasions, there was no requisite assistance coming from the side of the defendant and, therefore, the petitioner is not entitled to any indulgence.

5. During course of the arguments, learned counsel for defendant submitted that, if required, defendant would be entering himself in the witness box and would not examine any other witness in his defence.

6. After hearing arguments for some time, learned counsel for the respondent submits that, without prejudice to its rights and contentions and with the direction to the learned Trial Court to decide the suit expeditiously, he would have no objection if one last and final indulgence, in this regard, is granted to the defendant.

7. In view of the above and considering the facts presented before this Court, the present petition is disposed of with direction that the defendant is granted one last and final opportunity to cross-examine PW-1-Mr. Harpreet Singh and, in case, said witness appears before the learned Trial Court on 30.08.2025, the defendant would come prepared for his cross-examination.

8. Keeping in mind the fact that suit is of the year 2016, the learned Trial Court would give date for evidence of defendant in the month of September itself and it is clarified that for the abovesaid purpose of DE, the defendant would be entitled to only one effective opportunity and would examine himself, and none else.

9. For causing delay in the matter, the petitioner (defendant) is burdened with a cost of Rs.25,000/- which shall be paid to the plaintiff on 30.08.2025



2025:DHC:6095



before the learned Trial Court.

10. The present petition stands disposed of in aforesaid terms.
11. The pending applications also stand disposed of in aforesaid terms.

(MANOJ JAIN)
JUDGE

JULY 25, 2025/ss/SS