



2025:DHC:7472



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**% ***Date of Decision: 27th, August, 2025***

+ CM(M) 1235/2025 & CM APPL. 41673-41675/2025

M/S RNT METALS PVT. LTDPetitioner

Through: Mr. Mayank Rustagi with Ms. Astuti
Verma, Advocates.

versus

RAKA OVERSEASRespondent

Through: Mr. Himanshu with Ms. Shikha Soni
Nagpal, Advocates.**CORAM:****HON'BLE MR. JUSTICE MANOJ JAIN****JUDGMENT (oral)**

1. The point raised in the present petition is very short.
2. Petitioner is defending a recovery suit which is commercial in nature and aggrieved by dismissal of their application moved under Order XVIII Rule 17 *vide* which they sought seeking recall of PW1-Mr. Saurabh Jain, the proprietor of plaintiff-Company, who had already entered into witness box and had been cross-examined.
3. It is submitted that during the pendency of suit in question and, before the cross-examination, the plaintiff was served with a notice under Order XII Rule 8 CPC in which, *inter alia*, the request was to produce various GST invoices and Returns with respect to the transactions in question.
4. The request of the defendant is, merely, to the effect that he may be permitted to put few more questions to said witness which relates to such GST invoices and Returns only. It is argued that these documents were never produced by the plaintiff and, since now, at a later stage, the plaintiffs are seeking to summon GST official and want to call their record, there is a necessity of putting further questions to PW-1.



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5. Learned counsel for respondent/plaintiff, however, draws the attention of the Court toward cross-examination of PW-1, Mr. Saurabh Jain.
6. When he graced the witness box on 08.10.2024, Mr. Jain was shown such legal notice served under Order XII Rule 8 CPC i.e. notice dated 20.09.2024, and he admitted that he had received the same. The said notice was, then, accordingly, exhibited. The witness also admitted that he never replied to the notice but, fact remains that, in his further deposition, he, categorically, claimed that he had brought the documents demanded from him by the defendant *vide* abovesaid notice.
7. If any question pertaining to such documents was relevant, the same should have been immediately put to PW-1 by defendant, and, therefore, there is no real requirement of seeking recall of the abovesaid witness.
8. When the opportunity to put up all such questions, after going through the documents brought by the witness, was available to the defendant, it should have been availed then and there. Such clear opportunity has gone begging. Moreover, the concerned GST official is yet to enter into witness box and the defendant can always ask questions with respect to such documents to such official.
9. Resultantly, the petition is dismissed.
10. Pending applications also stand disposed of.

(MANOJ JAIN)
JUDGE

AUGUST 27, 2025/sw/PB