



2026:DHC:4077



\$~49

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

*Date of Decision: 08<sup>th</sup> May, 2026*

+ CM(M) 1063/2026, CM APPL. 30893/2026, CM APPL. 30894/2026  
& CM APPL. 30895/2026

**GARUDA CONSTRUCTION AND ENGINEERS PVT. LTD.**

.....Petitioner

Through: Mr. Sandeep Bajaj, Mr. Soayib  
Qureshi, Mr. Aman Q. Wani and Mr.  
Mayank B., Advs.

versus

**DINESH KHANNA**

.....Respondent

Through: None.

**CORAM:**

**HON'BLE MR. JUSTICE RAJNEESH KUMAR GUPTA**

**ORDER (Oral)**

**Rajneesh Kumar Gupta, J.**

1. This hearing has been conducted through hybrid mode.
2. The present petition has been filed on behalf of the petitioner under Article 227 of the Constitution of India, 1950 read with Section 151 of Code of Civil Procedure, 1908, assailing the orders dated 18<sup>th</sup> April, 2026 and 28<sup>th</sup> April, 2026 passed by the learned District Judge (Commercial Court), Tis Hazari Courts, Delhi in CS (COMM) No. 531/2023.
3. Heard. Record perused.
4. Learned Counsel for the petitioner has argued that final arguments could not be advanced on behalf of the petitioner before the learned Trial Court as the main Counsel was travelling to Kolkata and an application was also filed seeking postponement of hearing in the trial court. It is further



argued that advancement of oral arguments is material for the proper disposal of the matter.

5. The order dated 18<sup>th</sup> April, 2026 reads as under:

*“An application u/s 151 CPC has been filed on behalf of the Defendant through Ld. Proxy Counsel namely, Sh. Aman Qayoom Wani seeking adjournment. Matter is at the stage of final arguments. The date had been given; rather the dates for the substantive purposes i.e. for leading evidence, for miscellaneous/final arguments, are given in consultation of the Counsels of both the sides. The application has been moved on the ground that the main Counsel for the Defendant is busy there in attending some conference at Kolkata. No sort of copy of invitation, or even any sort of details of the said conference w.r.t its nature etc does find mention in the application in hand.*

*The case in hand is a Recovery Suit for an amount of Rs. 1,20,45,181/- and the same is being lingered on mainly on the side of the Defendant on the one pretext or the other. Even vide order dated 04.08.2025, when the defendant herein had approached the Hon’ble High Court and the said Petition stood disposed of as allowed subject to cost of Rs. 10,000/- w.r.t recall of a witness who had earlier been examined as PW4. Thus, no ground for adjournment is made out and accordingly application under consideration is disposed of as dismissed.*

*Be put up at 12.30 p.m. for the purpose of final arguments. Counsels would be at liberty either to address the arguments either by appearing physically or virtually.*

*At 1.10 p.m.*

*Present: Sh. Vijay Kumar Wadhwa, Ld. Counsel for the Plaintiff in person physically.*

*Sh. Aman Qayoom Wani, Ld. Assisting Counsel for the*



*Defendant (physically) and Sh. Soayib Qureshi, Ld. Counsel through VC.  
Final arguments partly heard.  
Put up again at 2.00 p.m for further arguments.*

*At 3.17 p.m.*

*Present: Sh. Vijay Kumar Wadhwa, Ld. Counsel for the Plaintiff in person (physically).*

*Sh. Aman Qayoom Wani, Ld. Assisting Counsel for the Defendant (physically).*

*Final arguments on behalf of the Plaintiff heard.  
Defendant is at liberty to file Written Arguments, if any, at least 05 days prior to the next date of hearing.  
Plaintiff may also file the Written Arguments if deems fit.*

*Be put up on **11.05.2026** for consideration/judgment.*

6. The order dated 28<sup>th</sup> April, 2026 reads as follows:

*“Heard.*

*It is prayed in the application in hand that the defendant be afforded an opportunity to address oral arguments.*

*File perused.*

*Order sheets dated 18.04.2026 are clear enough that it is the defendant itself who didn't ensure the presence of the Counsel either physically or virtually for the purpose of addressing arguments throughout the day. Matter had been taken up at least thrice upto 3.00 p.m. The said order sheets also make it clear that despite that the Defendant had also been afforded an opportunity to file written submission. No ground for allowing the application is made out and accordingly, the same is disposed of as dismissed.”*

7. It is evident from the record that the matter is now fixed before the learned Trial Court on 11<sup>th</sup> May, 2026 for consideration/judgment. Opportunity has already been granted to the petitioner to file the written



2026:DHC:4077



arguments. After considering the fact that the suit is also fixed for pronouncement of judgment, so this Court, at this stage, is not inclined to set aside the impugned orders. Accordingly, the petition is disposed of. Pending application(s), if any, also stands disposed of.

**RAJNEESH KUMAR GUPTA, J**

**MAY 8, 2026/sds/tp**