



2026:DHC:3055



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

Date of Decision: 13th April, 2026

+ CM(M) 762/2026, CM APPL. 22945/2026, CM APPL. 22946/2026 & CM APPL. 22947/2026

BISHAN SINGH JASBIR SINGH JEWELLERS LLP.....Petitioner

Through: Mr. Deepak Joshi and Mr. Rudra Pratap, Advocates.

versus

MOUNT SPRING BEVERAGES PRIVATE LIMITED

.....Respondent

Through: Mr. Siddharth Shankar, Advocate.

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 by the petitioner under Article 227 of the Constitution of India, 1950, assailing the orders dated 22nd December, 2025 and 20th February, 2025 passed by the learned Trial Court in CS DJ No.1623/2017, whereby the right of the petitioner/defendant to lead evidence has been closed and their application under Section 151 of the Code of Civil Procedure 1905 seeking recalling of the order dated 22nd December, 2025 has been dismissed respectively.
3. Learned counsel for the respondent appears on advance notice and accepts notice.
4. The matter is taken up for hearing with the consent of the learned



counsel for the parties.

5. Heard. Record perused.

6. Learned counsel for the petitioner submits that the petitioner was unable to examine the witness on 22nd December, 2025, on account of the ill-health of the said witness. It is further submitted that the petitioner wants to examine only one witness, namely- *Sh. Harjit Singh Chadha* and in case the petitioner is not granted an opportunity to examine the said witness, it would cause grave prejudice to the defence of the petitioner.

7. *Per contra*, learned counsel for the respondent submits that the present petition has only been moved in order to delay the proceedings. It is argued that the petitioner had sought several adjournments before the learned trial court and that the evidence of the petitioner has been closed after giving adequate opportunities.

8. Keeping in view the facts and circumstances of the case, this Court is of the opinion that it would be in the interest of justice, if one more opportunity is granted to the petitioner to lead his evidence, as the respondent can be compensated by way of costs. Accordingly, one more opportunity is granted to the petitioner to examine witness namely-*Sh. Harjit Singh Chadha*, subject to the payment of cost of Rs.30,000/- to the respondent.

9. Learned Trial Court may permit the petitioner to examine the said witness on the date already fixed or any date convenient to the Trial Court.

10. Accordingly, the petition is disposed of on the above-stated terms, along with pending application(s), if any.

RAJNEESH KUMAR GUPTA, J

APRIL 13, 2026/v/ik