



2026:DHC:634



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

*Date of Decision : 27<sup>th</sup> January, 2026*

+ CM(M) 187/2026

JES AND BEN GROUPO PVT LTD .....Petitioner

Through: Mr. Hemant Sharma, Advocate.

versus

SHAKTI TRADING CO .....Respondent

Through: Mr. Pankaj, Advocate.

**CORAM:**

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

**ORDER (Oral)**

**Rajneesh Kumar Gupta, J.**

1. This hearing has been conducted through hybrid mode.

**CM APPL. 5261/2026 (for delay)**

2. For the reasons stated in the application, the same is allowed. The delay of 24 days in re-filing the present petition is condoned.

3. Accordingly, the application is disposed of.

**CM APPL. 5260/2026 (for exemption)**

4. Allowed, subject to all just exceptions. Application is disposed of.

**CM(M) 187/2026 & CM APPL. 5259/2026 (for stay)**

5. The present petition has been filed by the petitioner under Article 227 of the Constitution of India, assailing the orders dated 10<sup>th</sup> September, 2025 and 27<sup>th</sup> October, 2025 passed by the learned Trial Court in Civil Suit (Comm.) 1634/2022. *Vide* order dated 10<sup>th</sup> September, 2025, the evidence of the petitioner/ defendant was closed and *vide* order dated 27<sup>th</sup> October, 2025,



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right of the petitioner to cross-examine PW-1 was closed.

6. Learned counsel for the respondent appeared on advance notice and accepted notice.

7. Heard. Record perused.

8. Learned counsel for the petitioner submits that he is not pressing the petition insofar as it seeks to set aside the order dated 10<sup>th</sup> September, 2025. However, he presses the relief seeking the grant of one more opportunity to the petitioner to cross-examine PW-1.

9. Keeping in view the facts and circumstances of the case, this Court is of the opinion that it is in the interest of justice that one more opportunity be granted to the petitioner to cross-examine PW-1, as the respondents can be compensated by way of costs. Accordingly, one more opportunity is granted to the petitioner to cross-examine PW-1, subject to payment of costs of Rs. 7,000/- to the respondents.

10. It shall be open to the learned Trial Court to record the evidence of the petitioner on the said date or on the earliest available date thereafter.

11. The present petition is disposed of in above terms, along with the pending application(s), if any.

**RAJNEESH KUMAR GUPTA, J**

**JANUARY 27, 2026/nd/abk**