



2026:DHC:638



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

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

+ CM(M) 201/2026

SHAKIR

.....Petitioner

Through: Mr. Ankur Singhal, Advocate.

versus

PREMIER CARWORLD PRIVATE LIMITED

.....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.

**CM APPL. 5413/2026 (for exemptions)**

2. Allowed, subject to all just exceptions.

3. Accordingly, the application is disposed of.

**CM(M) 201/2026**

4. The present petition has been filed by the petitioner under Article 227 of the Constitution of India, 1950, assailing the order dated 20<sup>th</sup> November, 2025, passed by learned trial court in CS (COMM) No. 634/2022, whereby an application under Order XVI Rule 1 read with Rule 6 and 151 of Code of Civil Procedure, 1908 for summoning of witnesses from GST Department along with certain documents has been dismissed.

5. This Court has heard the learned Counsel for the petitioner/plaintiff and



perused the record.

6. Learned counsel for the petitioner/plaintiff submits that the learned trial court has passed the impugned order on the basis of surmises and conjectures and the same is contrary to settled principles of law. It is further submitted that the witnesses and documents sought to be brought on record are material and relevant for the just and proper adjudication of the dispute between the parties.

7. The relevant portion of the impugned order reads as follows:

*“However, instead of placing reliance on those documents at an earlier stage or examining the witnesses pertaining to said factum during his evidence, the plaintiff had chosen to examine himself and thereafter closed the PE.*

*Now when the defendant had pointed out these lacunas in the case of Plaintiff while addressing final arguments, the Plaintiff has come up with this application.*

*Not only this, but also, Ld. Counsel for Defendant has drawn my attention to the fact that though the statement of truth was sworn on 11.11.2025, however, one of the annexures filed along with it pertains to 11.11.2025, which is the photocopy of a postal receipt, hence, the Ld. Counsel for Defendant has prayed for initiating an enquiry into this matter as to how the deponent of statement of truth could have annexed a document pertaining to a subsequent date.*

*Be that as it may, there is no mention about any document in the statement of truth, which stated that it comprised only of five pages, which are nothing but application as well as the statement of truth, hence, it could not be held that deponent had sworn falsely about the document of the subsequent date, thus no illegality could be attributed to the conduct of deponent in swearing the said affidavit.*

*So far as the application on its merits is concerned, I have no hesitation in holding that a party could not be allowed to fill up the lacunas left out by it during trial of the case,*



2026:DHC:638



*otherwise there would be an endless litigation and each party would continue to come up with such applications one after the other to fill up the lacunas in its case, hence, the application as moved is dismissed being devoid of merits with cost of Rs. 5,000/- to be paid by the Plaintiff to the Defendant to compensate it for the delay occasioned due to today's adjournment."*

8. Keeping in view the facts that the application has been moved at the stage of final arguments before the trial court and the same has been dismissed with a reasoned order passed in accordance with law, so, this Court does not find any illegality or infirmity in the impugned order.
9. Accordingly, the present petition is dismissed being devoid of any merits along with pending applications, if any.

**RAJNEESH KUMAR GUPTA, J**

**JANUARY 27, 2026/MR/ik**