

CS (COMM) 249/2025

M/s R. K. & Sons Jewelers vs. M/s Heera Jewels & Gems

08.06.2026

Present: Sh. Arjun Bhaskar Ld. Counsel for the plaintiff.

Sh. Simranpal Singh Sahni Ld. Counsel for the
defendant company.

1. Fresh memo of appearance on behalf of defendant company filed. Same is taken on record.
2. Ld. Counsel for the defendant company is seeking adjournment stating that he has been engaged two days back only and he needs time to go through the file.
3. Ld. Counsel for the plaintiff has strongly opposed the adjournment request and submitted that right of the defendant company to lead evidence may kindly be closed as sufficient opportunities have being granted to the defendant company, no evidence has been led. He further submitted that even the list of witnesses has not been filed.
4. Heard and perused the record.
5. From the record it is evident that vide order dated 16.09.2025, issues were settled by this court and the Schedule of Second Case Management Hearing was fixed according to which the defendant company was supposed to file the list of witnesses and evidence by way of affidavit by 31.10.2025 and defendant's evidence was to be recorded on 13.11.2025 after recording the evidence of

the plaintiff. The plaintiff's evidence was concluded on 30.03.2026 and the schedule of the Second Case Management Hearing was modified. As per the modified schedule, defendant company was supposed to file the list of witnesses and evidence by way of affidavit by 20.04.2026 and the evidence of the defendant company was to be recorded on 28.04.2026.

6. On 28.04.2026, it was reported that the defendant company has already moved two miscellaneous applications seeking substitution of the AR of the defendant company and another for adjournment; both the aforesaid applications were allowed and the Schedule of Second Case Management Hearing was further modified according to which defendant company was supposed to file the list of witnesses and evidence by way of affidavit by 20.05.2026 and the evidence of the defendant company was to be recorded on today i.e. 08.06.2026.
7. Admittedly, till date neither the list of witnesses nor the evidence by way of affidavit has been filed. Even if there was change of counsel during the last two dates, nothing prevented the defendant company at least to file the list of witnesses and the evidence by way of affidavit prior to that. It appears that the defendant company is more interested in delaying the matter rather to contest the case on merits. Although, sufficient opportunities have already been given to the defendant company to lead the evidence, however, in the interest of justice and subject to the cost of Rs.20,000/- imposed on the defendant company, out of which Rs.10,000/- to be deposited in the Central DLSA

and remaining Rs.10,000/- to be given by the defendant company to the plaintiff, one last opportunity is given to the defendant company to lead the evidence.

8. Now the further schedule of Second Case Management Hearing shall be as under:-

Defendant shall file the list of witnesses and evidence by way of affidavits with an advance copy to the opposite counsel against acknowledgment by <i>(If any witness is to be summoned, the defendant shall take the steps well in advance by moving an appropriate application by 04.07.2026)</i>	04.07.2026
Recording of evidence of the Defendant on	13.07.2026

9. The schedule of Second Case Management Hearing has been modified/ fixed absolutely as per the convenience of Ld. Counsels for both the parties.
10. Rest of the schedule of the second case management hearing shall be fixed later on.
11. Now put up for **recording of evidence of defendant** on **13.07.2026**.

(Rajesh Kumar Goel)
District Judge (Commercial Court)-02
Central District, Tis Hazari Courts, Delhi
08.06.2026