

CS (COMM) 249/2025
M/s R. K. & Sons Jewelers Vs.
M/s Heera Jewels & Gems Pvt. Ltd.

07.07.2026

File is taken up on an application of defendant moved under Order XVI Rule 2 read with Section 151 CPC making a request to summon the witnesses as mentioned in the application.

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

Sh. Simarpal Singh Sawhney and Sh. Siddhant Juyal, Ld. Counsels for the defendant.

1. Ld. Counsel for the defendant submits that he has already made the payment of previous cost.
2. Along with aforesaid application, list of witnesses and evidence by way of affidavit of DW Churchit Aggarwal also filed on behalf of the defendant. It is stated that copies of the same have already been supplied. Same are taken on record.
3. Ld. Counsel for the plaintiff submits that he has strong objection to the aforesaid application moved on behalf of defendant seeking summoning of witnesses. By drawing my attention towards the provision of Order 15 A (6) (g) CPC, he submitted that this court has the power to strike of irrelevant evidence. He has taken me to the averments made in the application under consideration and submitted that there is no whisper as to relevancy of the witnesses

sought to be summoned. He submitted that the defendant is trying to place on record certain documents indirectly by summoning these witnesses as the defendant has not filed those documents along with the written statement, which is not permissible.

4. Ld. Counsel for the defendant submits that it is the right of the defendant to examine the witnesses. He has taken me to some documents and submitted that in the stock register filed by the defendant along with the written statement, reference of the witnesses sought to be summoned, has been given as there were business transactions between the defendant and the said witnesses.
5. Heard and perused the record.
6. At the very outset, I may mention that there is no doubt that this court has power to strike off the name of the witnesses whose testimonies are not relevant. However, at this stage, this court is not supposed to hold a mini trial and to go into the detail whether the testimonies of the witnesses sought to be examined by the defendant, would be relevant or not. Even if the witnesses sought to be summoned, are summoned, it would not cause any prejudice as such as the plaintiff shall be given the opportunity to cross examine the said witnesses.
7. The names of the witnesses sought to be summoned, found mention in the list of witnesses filed by the defendant.
8. In view of the submissions made and in the interest of justice, the instant application is allowed and the witnesses sought to be summoned, are directed to be summoned on

PF for the next date of hearing.

9. Here it is made clear that these witnesses would be allowed to refer to only those documents which were in possession of the defendant and have already been placed on record by the defendant and not otherwise.
10. Steps be taken within next two working days. The application is **disposed off** accordingly.
11. It is stated that the next date of hearing is 13.07.2026. Ld. Counsel for the plaintiff submits that he has some personal difficulty and has made a request to change the next date of hearing.
12. Not opposed.
13. In view of the request made, the date is changed to **27.07.2026 at 12 O'clock**. The date of 13.07.2026 stands cancelled.
14. Now the aforesaid witnesses of the defendant be summoned for 27.07.2026.
15. The date and time has been given absolutely as per the convenience of Ld. Counsels of both the parties.

(Rajesh Kumar Goel)
District Judge (Commercial Court)-02
Central District, Tis Hazari Courts, Delhi
07.07.2026