

Item No. 09

CS DJ No. 9220/16

M/s Shiv Raj International P. Ltd.

v.

M/s Patel Engineering Limited and Others

15.11.2025

Present: Ms. Aparna Kushwah, learned proxy for Sh. Manish Kaushik, learned counsel for plaintiff.

Mr. Faheem APM, learned proxy for Sh. Ritesh Kumar Chaudhary, learned counsel for defendant no. 1.

Sh. Rabindra Tiwary, learned counsel for defendant no. 2.

Submissions heard. Record perused.

Two applications i.e. one under Section 151 CPC seeking waiver of cost of proceedings imposed by Advocate Commissioner vide order dated 21.09.2024 and another under Section 151 CPC seeking permission to cross-examine DW1 both dated 26.08.2025 moved by plaintiff are pending disposal.

Reply to the abovesaid both applications filed by the defendant no. 1. Be taken on record. Copy supplied.

After some arguments, learned counsel for plaintiff submits that she wishes to withdraw both the abovesaid applications.

In view of the submissions, both the applications under Section 151 CPC dated 26.08.2025 moved by the plaintiff, are dismissed as withdrawn.

It is made clear that only two opportunities will be given to the plaintiff to complete the cross-examination of DW1 before the Advocate Commissioner.

It is also made clear, if for any reason, learned counsel for plaintiff is unable to conduct the cross-examination of DW1 on the said date, he will inform one day prior to the date to the learned counsel for defendant so that DW1 may not travel from Mumbai.

Accordingly, both the parties will appear on 06.12.2025 at 02.00 p.m. before the Advocate Commissioner for further cross-examination of DW1 which will be completed before the next date.

List the case for report of Advocate Commissioner on 23.01.2026.

If the evidence by way of affidavit of D2 has not filed earlier, the same be filed before the next date of hearing with advance copy to the opposite side.

Copy of the order be given to both the parties and be also sent to the Advocate Commissioner.

[Kuldeep Narayan]
District Judge – 02
South-East, Saket, Delhi
15.11.2025 / bh