

Item No.01

CS DJ No.209220/2016

M/s Shiv Raj International Pvt. Ltd.

Vs.

M/s Patel Engineering Limited & Anr.

16.03.2026

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

**Sh. Ritesh Chaudhary (through video conferencing),
learned counsel for defendant no.1.**

**Sh. Rabindra Tiwary & Sh. Awanish Rai, learned
counsels for defendant no.2.**

Submissions heard. Record perused.

Advocate Commissioner has filed his report. Same is perused.

Vide order dated 15.11.2025, only two opportunities were granted to the plaintiff to complete the cross-examination of DW-1, however, the plaintiff has failed to do so.

In view of the Advocate Commissioner, opportunity of plaintiff to further cross-examine DW-1 is closed.

Ld. Counsel for defendant no.1 submits that no other witness is to be examined by the defendant no.1.

One application alongwith Authority Letter has already been moved by defendant no.2 for appointment of new AR. Copy also already supplied to the opposites side.

The aforesaid application is formal in nature and same is accordingly allowed.

Affidavit of evidence of new AR Sh. Haribansh Kumar Tiwari already filed on record. Copy of the same already supplied to the opposite side.

Certificate under Section 63 of B.S.A., 2023 is filed by learned counsel for plaintiff.

Learned proxy counsel for plaintiff submits that she will move suitable application for taking on record the aforesaid certificate and will also supply copy of the said application and aforesaid certificate to the opposite side on or before the next date of hearing.

Earlier, the plaintiff's evidence in this case was recorded by the Advocate Commissioner Sh. Dilip Kumar Arya, who was appointed vide order dated 19.04.2022.

Accordingly, both the parties are directed to appear before the Advocate Commissioner for recording of evidence of defendant no.2 on 13.04.2026 at 02.00 P.M. The terms & conditions of order dated 19.04.2022 will remain same for the evidence of defendant no.2 also.

The date of 13.04.2026 is given at the request of learned counsel for defendant no.2 as he has stated that the witness is out of Delhi.

Both the learned counsels shall also contact Advocate Commissioner for recording testimony on 13.04.2026 at 02.00 p.m.

List the case for report of Advocate Commissioner on 13.05.2026.

[Kuldeep Narayan]
DJ-02, South-East,
Saket Court, New Delhi
16.03.2026/sk