

14 CS (COMM) 112/25

RAMET KUMAR CHATURVEDI PROP. OF M/S R K PAPER AND
FULES Vs. SUDHEER SHARMA PROP. OF HIMALAYA CRAFT

22.01.2026

Present : None for the parties.

ORDER

Vide this Order, I shall dispose of the two applications filed on behalf of the defendant, one u/o 151 CPC, for recall/modification of Order dated 31.05.2025 and for waiver of cost imposed, vide order dated 22.05.2025 and taking on record the W.S. filed on behalf of the defendant on 17.11.2025, and another filed on 17.11.2025 u/s 151 CPC for re-opening of defendant's evidence. Reply to both the aforesaid applications were filed on behalf of the plaintiff who opposed both these two applications.

Submissions on behalf of the Id. Counsels for the parties were heard on these two applications at length on 14.01.2026.

Application u/o 151 CPC, for recall/modification of Order dated 31.05.2025 and for waiver of cost imposed, vide order dated 22.05.2025 :

Perusal of the record shows that defendant was duly served with the summons of the suit for settlement of issues by electronic modes through whats-app messenger on 17.04.2025, pursuance to which Mr. Raj Srivastava, Ld. Counself for the defendant had appeared and on his request, a further period of two weeks was

granted to the defendant to file his written statement and the parties were also directed to appear in person for exploring possibilities of settlement and the matter was adjourned for 22.05.2025.

On 22.05.2025, one Mr. Divyanshu, Ld. Counsel for the defendant had appeared through video-conferencing. But, no written statement was filed on behalf of the defendant in compliance of order dated 05.05.2025 and on his request, a further period of one week was granted to file the Written Statement, subject to imposition of a cost of Rs.10,000/- on the defendant by the Ld. Predecessor.

Thereafter, on 30.05.2025, the defendant had e-filed the written statement along with statement of truth and copy of GST Registration certificate, but, no affidavit of admission or denial of the documents was filed on behalf of the defendant, hence one more opportunity was granted for one week and in case of failure a further cost of Rs.5,000/- was deemed to be imposed. Vide same order dated 31.05.2025, another application for waiving the costs imposed on 22.05.2025 was also dismissed being filed without any reasonable grounds and being devoid of merits.

The affidavit of admission or denial of the documents was filed on behalf of the defendant on 03.07.2025. Hence, the cost of Rs.5,000/- which was deemed to be imposed on the defendant, for non-filing of the said affidavit was withdrawn.

I do not find any merit in the submissions of the Ld. Counsel for the defendant as no sufficient or reasonable ground has been disclosed and further the application for waiving of the costs was already dismissed vide order dated 31.05.2025 by my Ld. Predecessor after considering the merits. The same is hence dismissed. Hence, the defendant is directed to pay the said cost of Rs.10,000/- on the next date of hearing.

Application u/s 151 CPC for re-opening of defendant's evidence :

In this application, Ld. Counsel for the defendant has disclosed that Plaintiff's evidence was recorded on 18.08.2025 and matter was adjourned for defendant's evidence on 25.08.2025, but, on 25.08.2025, a strike was called by the Bar, hence the defendant's evidence could not be conducted on that date and vide order dated 02.09.2025, the Ld. Predecessor of this Court had closed the defendant's evidence. It is prayed that the opportunity to lead the defendant's evidence may be given to the defendant for fair justice in the present suit.

On the other hand, Ld. Counsel for the plaintiff has opposed the application on the ground that no document regarding the strike had been placed on record by the defendant and even the defendant could have examined his witness after 25.08.2025 by moving an appropriate application in this regard. He prayed for dismissal of the present application as the defendant has failed to show any exceptional cause or bona fide reason.

Perusal of the record shows that issues in this matter were framed on 30.07.2025 and two dates were given to the parties to lead their evidence. Date 18.08.2025 was fixed for plaintiff to lead his evidence and 25.08.2025 was given to the defendant to lead his entire evidence and the matter was fixed for final arguments on 02.09.2025.

Perusal of the report of the ld. Local Commissioner shows that plaintiff had filed his affidavit and was examined and cross-examined by the ld. Counsel for the defendant on 18.08.2025.

Perusal of the report of the Id. Local Commissioner further shows that when the matter was fixed for defendant's evidence on 25.08.2025, the Ld. Counsel for the defendant prayed for adjournment on the ground of ongoing strike by the Bar, therefore, his evidence could not be recorded.

Perusal of the record shows that the contention in regard to calling of a Strike on behalf of the members of Shahdara Bar Association is correct. However, as per Order dated 30.07.2025, the parties were directed to file their respective affidvits of evidence within a period of two weeks from 30.07.2025. But, perusal of the report of the Ld. Local Commissioner shows that the defendant had not complied the said order dated 30.07.2025 and had not filed any affidavit of his evidence nor paid the fees of the Ld. Local Commissioner as per order dated 30.07.2025, till date.

In these circumstances, for the just fair decision of the case and in the interest of justice, the application of the defendant for re-opening of the defendant's evidence is hereby allowed, subject to payment of a cost of Rs.10,000/-.

The evidence of the witnesses of the defendant shall be recorded by the Ld. Local Commissioner on **18.02.2026**.

It is made clear that no further opportunity shall be granted to the defendant for leading his evidence at any cost.

A copy of this order be sent to the Ld. Local Commissioner and be also supplied to the Ld. Counsels for the parties 'DASTI', for information and necessary compliance.

The Ld. Counsels for the parties are permitted to file their respective written arguments, with advance copies of the same to the opposite party.

Adjourned for filing the report by the Ld. Local Commissioner, with complete record of evidence, and for final arguments, on **23.02.2026**.

**Sudesh Kumar,
District Judge,
Commercial Court – 01,
Shahdara District, KKD Courts,
Delhi/22.01.2026**