



\$~37

*

+

IN THE HIGH COURT OF DELHI AT NEW DELHI

CS(COMM) 157/2021

SOFTWARE TECHNOLOGY PARKS OF INDIA Plaintiff

Through: Mr.J.K.Singh, Ms.Anjali
Kumari, Advs.

versus

M/S ORACLE INDIA PVT LTD & ANR Defendants

Through: Mr.Nitin Mangla, Adv.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER

13.02.2023

%

I.A. 2742/2023

1. This is an application seeking condonation of 40 days delay in re-filing I.A. 2741/2023.
2. For the reasons mentioned in the application, the delay is condoned, and the application is allowed.

I.A. 2741/2023

3. This application has been filed by the defendants praying for framing of an additional issue.
4. Issues in the present suit were framed on 14.08.2018. Though the plaintiff has filed the affidavits of evidence, I am informed that the cross-examination of the plaintiff's witnesses is yet to begin.
5. The learned counsel for the defendants has also pointed out that the issue is based on the defence that was set up in the written statement.
6. Issue notice.
7. Notice is accepted by Mr. J.K. Singh, the learned counsel on behalf of the plaintiff/non-applicant.
8. He submits that the present application is motivated only to delay the adjudication of the present suit. He submits that in the present



suit, issues were framed as far back as on 14.08.2018. Repeated opportunities were granted to the defendants to cross-examine the witnesses of the plaintiff. However, on one pretext or the other, the defendants have been able to delay the trial.

9. I have considered the submissions made by the learned counsels for the parties.
10. As noted hereinabove, the additional issue is based on the pleadings of the parties. Though the plaintiff has filed the affidavit of evidence of his witnesses, the cross-examination of the witnesses is yet to begin. In my view, to avoid any future ground for dispute, the interest of justice would demand that the additional issue be framed.
11. Accordingly, the following additional issue is framed:

Whether the instant suit has not been signed, verified, presented and instituted through an authorized person? OPD

12. The plaintiff shall be at liberty to file additional affidavit of evidence within a period of four weeks from today.
13. The application is allowed in the above terms.

I.A. 2744/2023

14. This is an application seeking condonation of 40 days delay in re-filing I.A. 2743/2023.
15. For the reasons mentioned in the application, the delay is condoned, and the application is allowed.

IA 2743/2023

16. This application has been filed by the defendant no.1 praying for substitution of its authorized representative.
17. It is submitted in the application that the earlier representative of the defendant no.1 has since left the services of the defendant no.1.
18. In my view, the application is formal in nature. The same is

accordingly allowed.



CS(COMM) 157/2021

19. As pointed out by the learned counsel for the plaintiff, issues in the present suit were framed on 14.08.2018. He has submitted that the evidence by way of affidavit of witnesses was also filed on 29.10.2018. The cross-examination of witnesses is yet to begin.
20. Keeping in view the above, the learned Joint Registrar (Judicial) is requested not to accede to any unwarranted request for adjournment made by the parties and to expedite the recording of evidence.
21. List before the learned Joint Registrar (Judicial) on 28th March, 2023, the date already fixed.

NAVIN CHAWLA, J

**FEBRUARY 13, 2023
RN**