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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **CM(M) 2309/2025**

M/S FOCUS ENERGY LIMITED

.....Petitioner

Through: Ms. Aditi Pancharia and Mr. Arvind
Rathaur, Advocates.

versus

PRITAM KAUR

.....Respondent

Through: None.

CORAM:

HON'BLE MR. JUSTICE GIRISH KATHPALIA

ORDER

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28.11.2025

CM APPL. 74673/2025 (exemption)

1. Allowed, subject to all just exceptions.

CM(M) 2309/2025 & CM APPL. 74674/2025 (stay)

2. Petitioner/plaintiff has assailed order dated 24.09.2025 of the learned Commercial Court, whereby applications of petitioner/plaintiff under Order XVI Rule 1 CPC and under Section 151 CPC were dismissed.

3. Broadly speaking, it appears that the petitioner/plaintiff did not file the list of witnesses at appropriate stage and the evidence of petitioner/plaintiff was closed by their Authorized Representative, by way of statement before the Local Commissioner who was recording the evidence. Thereafter, the petitioner/plaintiff filed an application under Section 151 CPC for reopening the evidence, followed by an application under Order XVI Rule 1 CPC for permission to place on record list of witnesses. But before disposal of those applications, evidence of the respondent/defendant



was concluded.

4. Learned counsel for petitioner/plaintiff has taken me through the testimony of PW1, Authorized Representative of petitioner/plaintiff and it is contended that the closure of plaintiff's evidence was in presence of a fresh lawyer, who was not much well versed with the trial. It is also contended by learned counsel that the Authorized Representative of petitioner/plaintiff was not at all aware of any aspect of the transaction pertaining to the suit and that would be reflected from his testimony. The petitioner/plaintiff now wants to examine the witness who was personally involved in the transactions.

5. Subject to petitioner/plaintiff taking steps within one week, notice through all modes be issued to the respondent, returnable on 23.03.2026 before Registrar.

GIRISH KATHPALIA, J

NOVEMBER 28, 2025/dr