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

+ **CM(M) 2468/2025**

SAURABH KHANDELWAL

.....Petitioner

Through: Mr. Piyush Ahuja and Mr. Upender
Kumar, Advocates.

versus

M/S STONE STUDIO

.....Respondent

Through: None.

CORAM:

HON'BLE MR. JUSTICE GIRISH KATHPALIA

ORDER

% **22.12.2025**

CM APPL. 80804/2025 (exemption)

1. Allowed, subject to all just exceptions.

CM APPL. 80805/2025 (for condonation of delay of 13 days in re-filing)

2. For the reasons mentioned therein, the application is allowed and delay in re-filing the petition after removal of defects is condoned.

CM(M) 2468/2025 & CM APPL. 80803/2025 (stay)

3. Petitioner/defendant has assailed orders dated 03.11.2025 and 28.11.2025 of the learned commercial court, whereby at the stage of final arguments, application under Order XVIII Rule 17 CPC read with Section 151 CPC was allowed, permitting the proprietor of the respondent/plaintiff to appear in the box in order to prove the General Power of Attorney. It appears that earlier, the Notary Public who allegedly notarized the General Power of Attorney was summoned by the present petitioner/defendant and in



the witness box the Notary Public denied that the document bore his signatures or stamp. It is contended on behalf of petitioner/defendant that the respondent/plaintiff is now trying to fill in the lacunae, which cannot be done under Order XVIII Rule 17 CPC.

4. Subject to petitioner taking steps within one week, notice through all modes be issued to the respondent, returnable on 17.03.2026 before Registrar.

5. Proceedings before the trial court shall remain stayed till next date of hearing.

GIRISH KATHPALIA, J

DECEMBER 22, 2025/ry