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

+ CS(OS) 432/2014 & I.A. 23959/2025

M/S KUSHAL INFRAPROJECT INDUSTRIES
INDIA LTD

.....Plaintiff

Through: Mr. Pratham Sharma, Mr. Harender
Singh and Mr. Nishant Lohia, Advs.

versus

RICHHPAL SINGH & ORS

.....Defendants

Through:

Mr. Parvinder Chauhan, Sr. Adv. with
Mr. Abhilash Vashisht, Mr. Nitin Jain
and Mr. Madhav Aggarwal, Advs. for
D-1 to D-12

Mr. Udaibir Singh Kochar, Mr.
Pushkar Khanna and Ms. Samvartika
Pathak, Advs. for D-13.

CORAM:

HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER

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23.04.2026

I.A. 23960/2025 (under Section 5 of the Limitation Act, 1963 seeking condonation of delay of 90 days in filing chamber appeal)

1. For the reasons mentioned in the application, the same is allowed.
2. The application stands disposed of.

I.A. 23961/2025 (seeking condonation of delay of 15 days in re-filing the suit)

3. For the reasons mentioned in the application, the same is allowed.
4. The application stands disposed of.

O.A. 162/2025 (Appeal under Chapter II, Rule 5 of the Delhi High Court (Original Side) Rules, 2018 by plaintiff)

5. The present O.A. 162/2025 has been preferred by the plaintiff against



the order of the learned Joint Registrar dated 30.04.2025, whereby the evidence of PW-1 was closed.

6. Mr. Pratham Sharma, learned counsel appearing on behalf of the plaintiff submits that all other plaintiff's witnesses have already been examined and only PW-1 is under cross examination. He submits that PW-1 has been cross examined on as many as eight occasions. He fairly states that on certain occasions PW-1 has not turned up, however, he undertakes that PW-1 will remain present on each date of hearing for his cross-examination before the learned Joint Registrar from 11:00 a.m onwards.

7. Mr. Parvinder Chauhan, learned senior counsel appearing on behalf of defendant nos. 1 to 12 and Mr. Udaibir Singh Kochar, learned counsel appearing on behalf of defendant no. 13 submit that necessary directions may be passed directing PW-1 to co-operate and remain present on each day of hearing.

8. In view of the above, the present O.A. 162/2025 is allowed subject to the plaintiff paying cost of Rs. 25,000/- each to the learned counsel for defendant nos. 1 to 12, as well as, the learned counsel for defendant no. 13.

9. It is made clear that PW-1 shall make himself available on each date fixed by the learned Joint Registrar for his cross examination at 11:00 a.m. sharp. In the event of his (PW-1's) unavailability, the learned Joint Registrar shall be at liberty to close the evidence of PW-1.

10. With the aforesaid directions, the O.A. 162/2025 stands disposed of.

CS(OS) 432/2014

11. At this stage Mr. Chauhan points out that the matter is listed before Joint Registrar on 14.05.2026. Let PW-1 make himself available on the said date and be prepared for cross examination.



12. List on 14.05.2026 before learned Joint Registrar, the date already fixed.

VIKAS MAHAJAN, J

APRIL 23, 2026/ar