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

+ **CS(COMM) 1130/2016**

AAP KI PASAND & ANR

.....Plaintiffs

Through: **Mr. Ashwin Kumar D.S. and Ms.
Manmeet Kaur Sareen, Advocates.**

versus

HIMALAYAN LEAF PVT LTD

.....Defendant

Through: **Ms. Aakanksha Nehra and Mr.
Shubham Jaiswal, Advocates
alongwith DW-1 in person.**

CORAM:

JOINT REGISTRAR (JUDICIAL) Dr. AJAY GULATI

ORDER

02.04.2025

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Regular Stenographer is on leave today.

1. Matter has been listed today for recording of evidence on behalf of the defendant. On the last date of hearing i.e. 24.01.2025, application for substitution of earlier witness, DW1 Ms. Sangeeta Choudhary and for amending the list of witnesses was allowed. The two witnesses who were initially in the list of witnesses were to be substituted by Mr. Vijay Choudhary and Mr. Manoj. Six weeks were granted for filing affidavits in evidence of these two witnesses. However, even though eight weeks have passed neither the list of witnesses has been filed, nor the affidavits in evidence have been filed.

2. Ld. Counsel for the defendant submits that list of witnesses has been filed today in the morning and defendant will now be examining a solitary witness, Mr. Vijay Choudhary. Further, ld. Counsel for the defendant has



explained the reasons for delay, the same being on account of the marriage of the counsel herself which is scheduled for 21.04.2025 and the medical condition of the witness who has purportedly undergone dental treatment on 28.03.2025. The request for condonation/extension of time has strongly been opposed by Id. Counsel for the plaintiff highlighting that the suit has been pending since 2012, and the defendant has been reputedly not complying with the directions to lead evidence. I have carefully considered the rival submissions. The reasons for not filing the list of witnesses and affidavit in evidence could be genuine when viewed subjectively. However, from an objective point of view, they hold no merit at all. Nevertheless, in the interest of justice, Registry is directed to take the list of witnesses on record which has purportedly been filed today, without any objection to the ground of delay.

3. Further, the affidavit in evidence of the solitary witness be filed within a week. A copy of the affidavit be supplied to Id. Counsel for the plaintiff before being filed in the Registry. The same should also be filed in physical form. This liberty, however, is subject to cost of Rs. 20,000/- to be paid to the plaintiff/ counsel for the plaintiff within four weeks, failing which defence evidence shall be struck off.

4. Put up again for evidence on 10.07.2025.

Dr. AJAY GULATI
(DHJS),
JOINT REGISTRAR (JUDICIAL

APRIL 2, 2025/pu

[Click here to check corrigendum, if any](#)