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

+ CS(COMM) 1268/2016, I.A. 48497/2024

SARAR GIYIM TEKSTILL ENERJI SANAYI ,TICARET ANONIM

.....Plaintiff

Through: Mr. Arjun Harkauli, Mr. Abeer Shandilya,
Advs.

versus

GOPALONS EXPORTS PVT LTD

.....Defendant

Through: (Appearance not given)

CORAM:

JOINT REGISTRAR (JUDICIAL) SH. KISHOR KUMAR (DHJS)

ORDER

% **18.08.2025**

Matter is taken up through physical hearing as well as video conferencing.

I.A. 48497/2024 (Application for closing the evidence of the defendant u/O XVI r/w Sec. 151 CPC filed by plaintiff)

By way of this application, the plaintiff is seeking direction to declare that the evidence of DW-2 to DW-19 are not relevant to the present case.

Reply to this application has been filed by and on behalf of the defendants.

It is the argument of Ld. Counsel for the plaintiff that the defendants have filed list of witnesses enlisting 19 witnesses including DW-1 who has already been examined by and on behalf of the defendants and that the testimony of the other witnesses on behalf of the defendants is not relevant, hence, the name of the witnesses mentioned in the list of witnesses filed on behalf of the defendants may be struck off.



On the other hand, Ld. Counsel for defendants has argued otherwise.

Admittedly, a counter-claim has also been filed on behalf of the defendants in answer to the present case of the plaintiff. The alleged list of witnesses on behalf of the defendants is there since beginning. The same has been in the notice of the plaintiff since inception of the counter-claim by the defendants. The witnesses as mentioned on behalf of the defendants in the list of witnesses may not be relevant in the opinion of Ld. Counsel for plaintiff but the defendant simultaneously has to stand on his own legs to prove his case as contained in the counter-claim. Admittedly during the cross-examination of DW-1, Ld. Counsel for the plaintiff has cross-examined DW-1 that the witnesses / entities as mentioned in the list of witnesses filed on behalf of the defendants, are fictitious. In view of such kind of cross-examination of DW-1 by Ld. Counsel for the plaintiff, it becomes more incumbent on the part of the defendants to prove the factum of the existence of the witnesses / entities as mentioned in the list of witnesses filed on behalf of the defendants. This Court is further of the opinion that the plaintiff is otherwise none to dictate the defendants as to how he should prove his case and as to who should be the witnesses to be examined on behalf of the defendants.

In view of the above, I do not find any substance in the present application filed on behalf of the plaintiff, the same is accordingly dismissed.

I.A. stands disposed off.

Matter be fixed for remaining defendant's evidence for which the necessary steps be taken to summon the witnesses on filing of PF and diet money to be paid at the spot on 23.09.2025.

**KISHOR KUMAR (DHJS)
JOINT REGISTRAR (JUDICIAL)**

AUGUST 18, 2025/SM