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

+ **CS(COMM) 1110/2018**

TABOOLA INDIA PRIVATE LIMITED

.....Plaintiff

Through: Mr. Mayank Mishra, Ms. Perna
Sharma & Alay Raje, Advs.

versus

ETERNO INFOTECH PVT. LIMITED

.....Defendant

Through: Mr. Siddharth Sharma & Mr.
Vishal Kapoor, Advs. with AR
Mr. Vikram Paul

**CORAM:
JOINT REGISTRAR (JUDICIAL) SH. SUMIT
DALAL**

**ORDER
23.03.2026**

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1. The matter is listed for Defendant's Evidence (DE).
2. A request for adjournment is made on behalf of the defendant on the ground that DW-1 is not available, as he has been laid off by the defendant company. The request is strongly opposed by learned counsel for the plaintiff on the ground that the plaintiff's evidence was concluded in November, 2023, and despite lapse of considerable time, the defendant has not concluded its evidence. It is further submitted that such conduct amounts to a dilatory tactic, and that no prior intimation regarding the unavailability of the witness was given, due to which learned counsel for the plaintiff has been waiting for cross-examination since morning.
3. In response, learned counsel for the defendant submits



that there is no malafide intention in seeking adjournment and that the defendant company is undergoing a layoff process, pursuant to which several employees, including DW-1, have been laid off. It is further submitted that no further date shall be wasted.

4. In view of the submissions made, and in the interest of justice, though no adverse order or cost is being imposed for today, a last and final opportunity is granted to the defendant to lead its evidence.
5. It is made clear that any default on the next date of hearing resulting in wastage of time shall entail imposition of cost of not less than ₹20,000/- on the defendant.
6. List for Defendant's Evidence (DE) on **20.08.2026**.
7. In view of the above circumstances, date already fixed for tomorrow i.e., 24.03.2026 is cancelled.

SUMIT DALAL, (DHJS)
JOINT REGISTRAR (JUDICIAL)
MARCH 23, 2026/nk