

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Writ Petition No. 7718/2026

M/s Bonville Foods Pvt. Ltd

-----Petitioner

Versus

Durga Zari Gota Store

-----Respondent

For Petitioner(s)	:	Mr. Veyankatesh Garg with Ms. Pranjal Mundhra, Mr. Manav Singh Shekhawat, Ms. Ritika Gupta
For Respondent(s)	:	

HON'BLE MR. JUSTICE BIPIN GUPTA
Order

28/04/2026

1. The present writ petition has been filed assailing the order dated 15.04.2026, passed by the learned Commercial Court No. 1, Jaipur Metropoliatn-II, Jaipur, in Civil Suit No. 425/2022, whereby the application filed by the defendant-petitioner seeking reopening of the opportunity to cross-examine the plaintiff-respondent has been dismissed.
2. Learned counsel for the petitioner submits that the plaintiff filed his affidavit on 30.09.2024, and the matter was fixed for cross-examination on 22.10.2024. On that date, the Presiding Officer was on leave, and the matter was adjourned to 19.11.2024. On 19.11.2024, the plaintiff filed an application under Order 11 Rule 1(5) CPC, which was partly allowed.
3. Learned counsel for the petitioner further submits that the plaintiff himself sought time to lead evidence, and the matter was adjourned to 03.12.2024. On 03.12.2024, the plaintiff again sought time to produce his witness, and the matter was posted on

20.12.2024. On 20.12.2024 as well, the plaintiff sought further time, which was granted, and the case was listed on 16.01.2025. On 16.01.2025, the examination-in-chief through Commissioner was recorded.

4. Learned counsel submits that the defendant faced genuine difficulty in conducting cross-examination and sought time for the same; however, the learned trial Court, merely on the ground that sufficient opportunities had already been granted, closed the right of cross-examination.

5. Learned counsel for the petitioner submits that, in fact, adequate opportunity was not granted to the defendant, and it was the plaintiff who repeatedly sought adjournments for producing his witness.

6. Heard.

7. Let notices be issued to the plaintiff-respondent.

8. In the meanwhile, further proceedings in Civil Suit No. 425/2022, pending before the Court of learned Commercial Court No. 1, Jaipur Metropolitan II, Jaipur, shall remain stayed till the next date of hearing.

9. List this matter after four weeks.

(BIPIN GUPTA),J