

\$~41

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CM(M) 213/2016 & C.M. Nos.8224-26/2016
SARVESH

..... Petitioner

Through Mr. Vijay Kinger, Adv.
versus

ANJU

..... Respondent

Through Nemo.

CORAM:
HON'BLE MS. JUSTICE INDERMEET KAUR

ORDER

% **04.03.2016**

The petitioner is aggrieved by the impugned order dated 11.02.2016 wherein his application to lead further evidence (apart from DW-1) stood dismissed. His submission is that the list of witnesses has been filed by him in advance and he is only praying that the witnesses at serial Nos. 11 & 12 (Umesh and Gaurav) be permitted to be examined.

On a query put to the learned counsel for the petitioner on this score about the relevancy of the aid witnesses, his submission is that they are the attesting witnesses to a registered relinquishment deed which had been executed on 20.01.2012 by the petitioner Sarvesh; although admittedly the plaintiff (non-applicant Anju) was not a party to this relinquishment deed yet the attesting witnesses Umesh and Gaurav will testify that Anju was aware of those proceedings.

This submission of the learned counsel for the petitioner has been noted.

In this context, it would be relevant to note that the present suit

is a suit filed by the plaintiff for possession, declaration and permanent injunction. Written statement was filed by the defendant (petitioner before this Court). Her contention was that her disputes stood settled with the plaintiff through oral settlements dated 02.01.2012, 11.10.2012 & 14.01.2013.

Contention before this Court is that the relinquishment deed dated 20.01.2012 wherein Umesh and Gaurav were attesting witnesses of which the plaintiff was aware would substantiate his submission that the parties had entered into an oral settlement at the Mediation Centre on 02.01.2012 is a wholly confused submission. How this would establish an oral settlement has not been answered.

The Trial Court had noted that the list of 13 witnesses filed by the defendant (apart from DW-1) showing no relevancy of their testimony.

Keeping in view the defence emanating in the written statement clearly shows that this was only to derail and prolong the proceedings. Impugned order, in this background, suffers from no infirmity. Petition is without any merit. Dismissed with costs quantified at Rs.10,000/-

INDERMEET KAUR, J

MARCH 04, 2016
A