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

+ CM(M) 133/2017 and CM Nos. 4294-96/2017

SAROJ RANI ..... Petitioner

Through Mr.S.N.Gupta, Advocate.

versus

JATINDER PAL SINGH (HUF) & ORS. .... Respondents

Through

**CORAM:**

**HON'BLE MR. JUSTICE JAYANT NATH**

**ORDER**

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**03.02.2017**

1. By the present petition filed under Article 227 of the Constitution of India, the petitioner seeks to challenge the order dated 26.11.2016 by which order the right of the petitioner to lead evidence was closed.
2. The plaintiff/respondent No.1 has filed the present suit for declaration, cancellation of documents, recovery of possession, etc. regarding the property at Kotla Mubarakpur, Delhi.
3. By the impugned order the trial court noted that the petitioner/defendant No.1 is causing undue delay in his evidence having been recorded. The suit was filed in 2003 and the plaintiff's evidence was closed in 2010. Despite that, several adjournments have been taken. The full details of the order sheets and the adjournment taken by the petitioner have been noted and thereafter, the right of the petitioner to lead evidence was closed.

4. I have heard the learned counsel for the petitioner. He has submitted that it is not that no steps were being taken by the petitioner. He relies upon the orders dated 14.10.2016 and 25.10.2016 to show that DW-3 was examined. He submits that even on the date when the impugned order was passed, he had moved an application for summoning of the witnesses. He further submits that he has to examine only three more official witnesses, namely, the Sub-Registrar/Record Clerk from Ludhiana, Punjab, Ahlmad of the Court of Sh.Anuj Aggarwal, MM, Saket Delhi and IO-SI Grijesh Singh, Kotla Mubarakpur.

5. An advance copy of the petition has been sent to the concerned respondents. However, none is present on their behalf.

6. Keeping in view the averments made by the petitioner, it is manifest that there has been some negligence on behalf of the petitioner in prosecuting the case and leading his evidence. However, in the interest of justice, one last opportunity is granted to the petitioner to complete his evidence subject to payment of costs of Rs.10,000/-. The petitioner shall ensure dasti summons are issued on the witnesses for the date the trial court fixes for the evidence. No adjournment shall be granted to the petitioner on the dates which are fixed for his evidence.

7. With the above observations, the petition stands disposed of.

8. All pending applications also stand disposed of.

**JAYANT NATH, J**

**FEBRUARY 03, 2017**

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