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

+ CM(M) 1141/2013 & CM No. 16787/2013

SMT SUSHILA GOPALAN & ORS. Petitioners

Through: Mr. Manu Nayar & Ms. Meenakshi
Bhatia, Advs.

versus

SHRI R K CHAWLA & ORS Respondents

Through: Mr. R.S. Sahni, Adv.

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

ORDER

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20.04.2018

The petitioners are defendants in the civil suit (suit no. 257/2010) instituted by the respondent (since deceased and represented by his legal heirs). The case was at the stage of plaintiff's evidence when the petitioners – defendants – moved an application on 14.05.2013 seeking five official witnesses to be summoned with certain records, it being explained at the hearing that the purpose of seeking such summons to be issued was to have the official records available with which the plaintiff's witnesses were to be confronted. The learned Civil Judge in seisin of the matter first appears to have recorded on the body of the application itself on 15.05.2013 the permission for summons to be issued to two of the said witnesses the prayer for remaining having been declined but later scored off the said order and thus cryptically recorded "disallowed". The said order is under challenge by the petition at hand which has been pending for the last five years.

After some hearing, the counsel for the respondent (plaintiff) fairly concedes that the impugned order cannot be upheld since it does not give any reasons. At the same time, the counsel for the petitioner also fairly concedes that the application was not properly drafted and presented in that not only it would wrongly describe the applicant as the plaintiff but also not give reasons why at that stage such request was being moved.

In these circumstances, it would be proper that the petitioner moves a fresh application setting out the reasons why such official witnesses are to be summoned at the stage they are sought to be summoned and upon such application being moved the learned Civil Judge will pass a reasoned order.

With these directions, the petition and the applications which are pending stand disposed of.

R.K.GAUBA, J

APRIL 20, 2018

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