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

+ CM(M) 1260/2018, CM APPL.43261/2018

JOGINDER SINGH

..... Petitioner

Through: Mr.Shekhar Nanavaty, Advocate.

versus

HARBHAJAN SINGH (DECEASED) THR LRS

..... Respondent

Through: None.

+ CM(M) 1270/2018, CM APPL.43645/2018

JOGINDER SINGH

..... Petitioner

Through: Mr.Shekhar Nanavaty, Advocate.

versus

HARBHAJAN SINGH (DECEASED) THR LRS

..... Respondent

Through: None.

CORAM:

HON'BLE MR. JUSTICE YOGESH KHANNA

ORDER

% **20.11.2018**

1. This petition challenges the order dated 13.08.2018 passed in CS N0.59064/16 by Ms.Namrita Aggarwal, Learned SCJ-cum-RC, New Delhi whereby the application of the petitioner for reopening of the evidence is dismissed on the grounds *a)* the list of witnesses were filed not after the framing of issues but after the completion of cross-examination of plaintiff no.1; *b)* the purpose of summoning the witnesses is not mentioned and how such witnesses are relevant to the present suit; and *c)* all documents filed on record have already been exhibited in the evidence of PW1 and PW2 and hence there is no

ground to reopen the evidence.

2. I have heard the learned counsel for the petitioner. The petitioner herein has filed two suits for declaration and permanent injunction for getting the Will and Gift Deed executed by his father as null and void due to various reasons mentioned in the suit. It is submitted by the learned counsel for the petitioner that the property though existed in the name of father but was purchased by HUF and hence the father was not within his rights to execute the Will and Gift Deed, as alleged.

3. Admittedly, the property was entered/purchased in the name of the father in the year 1963 and till the filing of the present suit the plaintiff never took any action against his father including filing a suit for declaration qua the property being owned by the HUF and not by his father alone.

4. In the circumstances the impugned order passed by the learned Trial Court cannot be said to be mis-conceived since the official witnesses viz. the official from the Rehabilitation and Custodian Department would only prove the transfer being effected in the name of the father of the plaintiff and nothing else. There is no cogent reason to set aside the order passed by the learned Trial Court. The petition stands dismissed.

5. Pending applications also stands dismissed.

YOGESH KHANNA, J.

NOVEMBER 20, 2018/du