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

+ **CM(M) 249/2019**

SUDHIR CHANDRA Petitioner
Through: **Mr. Om Prakash, Adv.**

versus

DINESH CHANDRA (COL. RETD.) (DECEASED)
THR LRS & ANR. Respondents
Through: **Mr. Irfan Ahmed and Ms. Shreya Mehra, Advs. for R2.**

CORAM:
HON'BLE MR. JUSTICE V. KAMESWAR RAO

ORDER
% **23.04.2019**

CM. No. 18764/2019

This is an application filed by respondent no.2 with the following prayers:

“In the light of these facts and circumstances, it is, most respectfully prayed that the Hon’ble Court be pleased to: -

- i) Extend the time granted for adjudication of Suit No. 2261/2016, titled “Sudhir Chandra versus Col. Dinesh Chandra and Ors. pending before the Learned Additional District Judge, East, Karkardooam Courts;*
- ii) Allow the petitioner to serve the warrants and summon the remaining witnesses as per list of witnesses and lead evidence;*

Any other further relief or reliefs to which this Hon’ble Court may deem fit in the facts and circumstances of the case, be also granted in favour of the petitioner and against the respondents.

According to the learned counsel for the respondent No.2 on March 11, 2019, the order of issuance of warrants and summons was passed for appearance of 12 witnesses (as DW's). Certain witnesses were present on the next date of hearing on April 16, 2019 when five witnesses were examined. He states for three witnesses warrants were issued for April 18, 2019. He submits that since April 17, 2019 was a holiday, the warrants could not be served on the said witnesses and on April 18, 2019 the defence evidence was closed. He also states, apart from the three witnesses one more witness, being Gift Tax Officer in the Office of Sub Registrar, Bulandshahar is required to be summoned. He prays that one more opportunity be given for summoning of the four witnesses for a convenient date.

Mr. Om Prakash, learned counsel for the petitioner states, he has no objection, if one final opportunity is granted to the respondent no.2 to summon the witnesses. Noting the said submission, respondent no.2 shall file an application before the court concerned for summoning of the four witnesses. If such an application is filed, only one opportunity shall be given by the court concerned to respondent no.2 to summon the witnesses by granting him reasonable time.

It is made clear, if the respondent no.2 is unable to serve / produce the witnesses, then the court concerned shall proceed in accordance with law.

In view of the above, this Court is of the view that the prayer for extension of time for adjudication of the suit, which prayer is also agreed to by Mr. Om Prakash, be granted. The Suit shall be decided within four months from today.

With the aforesaid, the application stands disposed of.

A copy of this order be given *dasti* under the Signatures of the Court Master.

V. KAMESWAR RAO, J

APRIL 23, 2019/jg