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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CM(M) 5/2020 & CM APPLs. 199/2020, 200/2020**
KRISHAN SAINI (DECEASED) THR LR Petitioner
Through: Mr. I.K. Saini, present in person (M-8447085738)
versus
RAJINDER KUMAR SAINI (DECEASED) THR LRS & ANR Respondents
Through: None.

CORAM:
JUSTICE PRATHIBA M. SINGH

ORDER
% **07.01.2020**

1. The Petitioner is aggrieved by order dated 24th December, 2019 by which certain witnesses were summoned by the Trial Court in the absence of the Petitioner. It is the case of the Petitioner that some of the witnesses, who have been summoned were in fact those whose summoning/evidence was rejected by a Id. Single Judge of this Court vide order dated 7th August, 2006.
2. The Petitioner has rightly drawn attention to order dated 11th October, 2019 passed in CM(M) 206/2018 at point nos. 3(v) and 3(vi). The said order has made it clear that if any documents are required from governmental authorities, certified copies shall be obtained and filed and no summoning shall be done of the government officials. The said order reads as under:

“3. The parties would also be entitled to lead evidence in respect of all the above issues. Considering the vintage of the suit, and that it dates back to 1987, the evidence in this matter shall be conducted before the Trial Court on a day to day basis. The issues having already been framed, the following schedule is fixed for leading evidence.
i. The Plaintiffs shall now file their list of witnesses and

evidence by way of affidavit within four weeks from today i.e. on or before 15th November, 2019.

ii. The Plaintiff's witnesses shall be cross-examined from 25th November, 2019 to 10th December, 2019.

iii. Thereafter, the Defendant no.1's alleged legal heirs shall file their affidavits in evidence by 10th January 2020. The oral evidence on their behalf shall be led and concluded on or before 31st January, 2020.

iv. The evidence of Defendant No.2 shall be led and concluded on or before 15th March, 2020.

v. If there are any documents from governmental authorities, which the parties wish to rely upon, they shall obtain certified copies of the said documents and they shall be permitted to confront the witnesses with the said certified copies if needed.

vi. Summoning the officials from the said authorities or producing the original documents would not be required in the present case.

vii. The Trial Court, after conclusions of the evidence, shall finally decide the matter on or before 30th May, 2020."

3. The Petitioner is permitted to approach the Trial Court and the Trial Court shall consider modification/recall of the impugned order in accordance with the orders passed by this Court and after examining the evidence. The Trial court shall also examine as to whether this evidence was already rejected by the Id. Single Judge vide order dated 7th August, 2006 and pass appropriate orders. It is however made clear that the endeavour of the trial court ought to be to adhere to the directions passed by this Court to ensure expeditious disposal as per the timelines fixed. Accordingly, the petition and all pending applications are disposed of

Dasti.

PRATHIBA M. SINGH, J.

JANUARY 07, 2020/*Rahul*