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

+ **CM (M) 91/2020**

VIJAY GAUR

..... Petitioner

Through: Mr. Ankur Mahindro, Mr. Soumil
Gonsalves and Mr. Ankur Satija,
Advocates. (M:9891051888)

versus

RAJENDER BHANDARI & ORS.

..... Respondents

Through: None.

CORAM:

JUSTICE PRATHIBA M. SINGH

ORDER

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27.01.2020

CM APPL. 3162/2020 (exemption)

1. Allowed, subject to all just exceptions. Application is disposed of.

CM (M) 91/2020

2. The present petition has been filed challenging the impugned order dated 17th January, 2020 by which the list of witnesses filed by the Petitioner, was not taken on record by the Trial Court. This Court, on an earlier occasion, had an opportunity to deal with this petition and vide order dated 16th September 2019, a specific timeline had been fixed for conclusion of the trial and pronouncement of the judgment. The text of the said order reads as under:

“1. None has appeared for the Respondents. On the last date Mr. Ankit Gupta, ld. counsel had entered appearance for the Respondents. The short prayer in these petitions is qua expeditious disposal of the three suits. In one of the suits, the Petitioner is Plaintiff and in other two suits the Petitioner is Defendant. The

suits relate to the first and second floors with roof rights in the property bearing No.F-97, Ashok Vihar Phase-I, New Delhi. Issues were framed in the suits on 2nd August, 2013. It is submitted by ld. counsel for the Petitioner that since then the evidence of the Respondents has not yet been completed as the Respondent's suit has been treated as the leading suit. The order sheets have been placed before this Court to demonstrate the manner in which the delays are being caused in the suits.

2. The Respondents having not appeared despite service, considering that the suits are of 2008, 2009 and 2010 i.e. they are nearly a decade old and that the parties are senior citizens, it is directed that the trial in the suits shall be completed on or before 31st December, 2019 and the judgment shall be pronounced by the Court on or before 31st March, 2020. The recordal of evidence by the Local Commissioner shall be supervised by the Trial Judge on a monthly basis in order to ensure that the trial proceeds with diligence.

*3. With these observations, the petitions and all pending applications are disposed of.
Dasti."*

3. The same was modified vide order dated 27th November, 2019 and the time for conclusion of trial was extended till 31st January, 2020 within the overall timelines. Ld. counsel for the Petitioner submits that the evidence by way of affidavit of the main witness - Mr. Vijay Gaur is already on record, however, he wishes to summon certain judicial records and for this purpose had filed a list of witnesses seeking to summon officials from the Delhi High Court, Rohini Courts and Tis Hazari Courts for producing the judicial records. The said list of witnesses has not been taken on record by the Trial Court, hence the present petition.

4. Considering the nature of the matter and the fact that specific orders have already been passed for conclusion of the trial, the Petitioner, if he wishes to place on record any judicial records, is permitted to place the certified copies of the judicial records in the suit and lead the evidence of Mr. Vijay Gaur, whose evidence by way of affidavit is already filed. Since the certified copies of the judicial records can be exhibited without any officials producing the said records, no further witnesses are required for production of the records. Considering the fact that the trial would now be conducted on behalf of the Petitioner, after obtaining certified copies, the time for conclusion of trial and for final adjudication of the suit is extended till 30th April, 2020 and 15th July, 2020 respectively.

5. The petition is disposed of with these observations.

6. Copy of the order be given *dasti* under signature of the Court Master.

PRATHIBA M. SINGH, J.

JANUARY 27, 2020/dk