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

+ **CM (M) 970/2019 & CM APPL. 29058/2019 (stay)**

RAVINDER KAUR CHAWLA

..... Petitioner

Through: Mr. S. S. Wadhwa, Advocate.
(M:9313898989)

versus

MUNICIPAL CORPORATION OF
DELHI & ORS.

..... Respondents

Through: Mr. Mukesh Gupta, Advocate for
Nr.MCD for R-1 & 2.
(M:9810144127)

CORAM:

JUSTICE PRATHIBA M. SINGH

ORDER

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03.02.2020

1. Order dated 7th March, 2019 is under challenge in this petition. As per the said order, the Petitioner wanted to summon some official witnesses, however, no steps were taken to summon them. Accordingly, the Trial Court closed the Plaintiff's evidence and has adjourned the matter for Defendants' evidence.
2. On the last date i.e., 18th September, 2019, this Court had issued notice, however, no process fee has been filed and none of the private Respondents have been served. On a specific query as to whether the private Respondents are appearing in the Trial Court or not, ld. counsel for the Petitioner submits that they are not appearing before the Trial Court.
3. It is the case of the Municipal Corporation of Delhi (*hereinafter*, "*MCD*") that the Petitioner occupies public land, which contention is denied by the Petitioner.

4. This Court has heard ld. counsel for the Petitioner and ld. counsel for MCD. A perusal of the summoning application, which is at page 125, shows that there are broadly four categories of records/witnesses which the Petitioner wishes to summon – Records of the MCD, Records relating to two electricity companies, Records from the Sub-Registrar's office and judicial records.

5. Insofar as the records of the MCD at item nos.1, 2, 3 and 4 are concerned, it is directed that the said records, if available, be produced by the MCD in its turn while leading evidence. The Petitioner would be entitled to get the said records exhibited and also examine the officials of the MCD. Insofar as the records from the North Delhi Power Limited and Tata Power Delhi Distribution Limited are concerned, the Petitioner is permitted to file on record the original/certified copies of the electricity bills, which he seeks to rely upon, including the order regarding sealing of meter at RZ-72, Inderpuri and other relevant documents.

6. The Petitioner is permitted to approach these authorities for obtaining certified copies of their record.

7. Insofar as the office of Sub-Registrar-IX, New Delhi and Sub-Registrar, Kapashera, New Delhi are concerned, the Petitioner is permitted to obtain certified copies of the sale deed and other records, if not already exhibited. Insofar as the judicial records from the Tis Hazari Courts are concerned, the Petitioner is permitted to file a certified copy of the judicial record. If the certified copies are filed, the same shall be exhibited and read in evidence. No further opportunity shall be granted for oral examination except the examination of the MCD officials when the records are produced.

8. It shall be ensured that the trial of the suit is not delayed by the parties

in any manner, otherwise heavy costs would be imposed by the trial court for any adjournment sought. Let the matter be listed for recording of Defendants' evidence on the date fixed i.e., 17th February, 2020.

9. With these observations, the petition, along with all pending applications, are disposed of. *Dasti*.

PRATHIBA M. SINGH, J.

FEBRUARY 03, 2020/dk