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

+ CM(M) 725/2022, CAV 211/2022, CM No. 32655/2022

CHAUDHARY RAJVEER JAISWAL Petitioner
Through: Mr.Pawan K. Bahl and
Mr.Mahesh K. Sharma, Advs.

versus

SHRI RAM KUMAR ROY & ANR. Respondents
Through: Mr.Satish Kumar and
Mr.Ashutosh Shukla, Advs.

CORAM:
HON'BLE MR. JUSTICE C.HARI SHANKAR

J U D G M E N T (O R A L)

% **27.07.2022**

CAV 211/2022

1. As Mr. Satish Kumar, learned Counsel for the respondents appears, Caveat stands discharged.

2. The caveat is disposed of.

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3. The grievance of the petitioner, in this petition, preferred under Article 227 of the Constitution of India, is that the learned Additional District Judge (the learned ADJ) displayed undue haste in closing the evidence of the petitioner as the defendant before the learned ADJ in CS DJ 377/2015 (later renumbered as 8674/16) (*Ram Kumar Roy v.*



Chaudhary Rajveer Jaiswal). It is pointed out by Mr. Bahl, learned Counsel for the petitioner that the first opportunity for filing DE was granted *vide* order dated 1st October 2019. The petitioner was directed to file defence evidence on or before 19th December 2019. On 19th December 2019, a last and final opportunity to file affidavit of evidence of the defendant was granted by the learned ADJ and on 25th February 2020, noting that the direction had not been complied with, the learned ADJ closed the defence evidence. Mr. Bahl's principal grievance is that as many as 19 opportunities had been granted to the respondents to commence and conclude the plaintiff's evidence and that, on some of the said dates, the respondent was also at fault.

4. Learned Counsel for the respondent submits, quite fairly, that, instead of entering into the thicket of the entire sequence of proceedings before the learned ADJ, this petition could be disposed of by directing the affidavits in evidence of the defence witnesses to be filed and for the defence witnesses to be present for examination and cross examination on a date to be fixed by the Court.

5. Mr. Bahl, learned Counsel for the petitioner is also agreeable to the said suggestion.

6. Mr. Bahl submits that there are three defence witnesses whose evidence his client would seek to lead. At this point, learned Counsel for the respondents submits that no list of witnesses has been filed by the petitioner before the learned ADJ.



7. Accordingly, this petition is disposed of in the following terms :
- (i) The petitioner would appear before the learned ADJ on 6th August 2022 with the list of witnesses of the defence witnesses whose evidence he seeks to lead. The list should not exceed three defence witnesses.
 - (ii) The learned ADJ would take a view on the defence witnesses whose evidence the petitioner would be permitted to lead on the same day.
 - (iii) The matter would next be taken up by the learned ADJ on 16th August 2022 on which date the affidavits in evidence of the defence witnesses would be filed by the petitioner. The affidavits in evidence of the witnesses whose evidence the learned ADJ permits, would be filed by the petitioner within a week, i.e. on or before 13th August 2022.
 - (iv) The exercise of issuance of formal summons to the witnesses is dispensed with.
 - (v) The petitioner is directed to make the said witnesses available for examination in chief and cross examination before the learned ADJ on 20th August 2022.
 - (vi) It is made clear that no adjournment should be granted on any of the said dates, so that the grievances of both sides are assuaged.



8. This petition stands disposed of in the aforesaid terms with no orders as to costs.

C.HARI SHANKAR, J

JULY 27, 2022/kr

