



2024:DHC:8376



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**% ***Date of decision: 25th October, 2024***+ **CM(M) 1852/2024****BABLI PANDEY**

.....Petitioner

Through: Mr. Sunil Kumar Jha, Advocate with
Ms. Musarrat Benazer Hasmi and Mr.
Sami Sameer Siddiqui, Advocates

Versus

MUKUT LAL SHARMA & ORS.

.....Respondent

Through: Ms. Sonika Tyagi and Ms. Shiksha
Sharma, Advocates

CORAM:**HON'BLE MR. JUSTICE MANOJ JAIN****J U D G M E N T (oral)****CM APPL. 63353/2024**

1. An application has been moved under Section 151 CPC from the side of respondent (defendant before the learned Trial Court) contending that trial is going on for last more than a decade and learned Trial Court had already directed *status quo* order with respect to the house where defendants are residing and, therefore, defendants are interested in expeditious disposal of the matter.
2. Learned counsel for petitioner herein is also present and with the consent of both the sides, date is preponed and matter is taken up today.
3. Application stands disposed of accordingly.



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4. Issue in the present petition is very short and precise.
5. Undoubtedly, it happens to be one of the twenty oldest matters pending before the learned Trial Court and when the present petition was filed, case was at the stage of defendant's evidence. It has now been informed that defendant's evidence is complete and case is listed on 21.12.2024 for final arguments.
6. Plaintiff has already led her evidence but during pendency of the trial, she wanted one witness to be examined from MCD in order to prove various communications which she had sent to MCD. Learned Trial Court declined to issue any such process, observing that no application was moved in advance in this regard and also that when list of witnesses was filed, there was no reference of any such witness.
7. There is no dispute that case is very old and learned Trial Court is also making best endeavour to ensure that such suit reaches its logical end.
8. However, keeping in mind the overall facts and circumstances of the case and also the fact that plaintiff, merely, wants to summon one witness from the MCD to prove certain complaints and with the consent of learned counsel for the respondent herein, petition is disposed of with the direction that the plaintiff would be entitled to one single opportunity to summon such official for proving the above record.
9. It is, however, made clear that the plaintiff would not be entitled to more than one opportunity more so, when the case is old and is already at the stage of final arguments.
10. Both the parties would accordingly appear before the learned Trial Court on 06.11.2024 at 2.00 PM and learned Trial Court, keeping in mind its



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board position, would give appropriate date to plaintiff to call the aforesaid official from MCD. Needless to say, if after the aforesaid examination, defendants feel that they are also required to lead any evidence in rebuttal thereto, they would be at liberty to make appropriate request before the learned Trial Court.

11. Next date before this Court stands cancelled.

(MANOJ JAIN)
JUDGE

OCTOBER 25, 2024/dr