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

% *Date of decision: 03rd September, 2024*

+ CM(M) 632/2023 & CM APPL. 19678/2023

JOGINDER KUMAR (SINCE DECEASED) THROUGH LRS AND
ORS.

.....Petitioner

Through: Mr. Inderpal Khokhar with Ms. Neha
and Mr. Vinod, Advocates.

versus

KRISHAN PAL SINGH

.....Respondent

Through: Mr. Rishipal Singh, Advocate.

CORAM:

HON'BLE MR. JUSTICE MANOJ JAIN

J U D G M E N T (oral)

1. Petitioners are defendants before the learned Trial Court.
2. On 12.07.2022, when the matter was listed for defendant's evidence, noticing that many opportunity have already been availed for leading DE, the learned Trial Court closed the opportunity to lead further defendant's evidence and fixed up the matter for final arguments.
3. Defendants moved an application seeking review of such order but such application also did not meet with any success.
4. This is how the defendants have filed the present petition seeking permission to examine few more witnesses.
5. During course of the consideration, learned counsel for



petitioners/defendants informed that besides examination of some official witnesses, they seek permission to examine their mother and it is stated that one last and final opportunity be granted in this regard. Learned counsel for petitioner also volunteers to compensate the opposite side and does not have any reservation if some cost is also imposed upon them.

6. Mr. Rishipal Singh, learned counsel for respondent/plaintiff has contended that though no justifiable reason has been assigned as to why one more opportunity should be granted but since he does not want to delay his case any further, he would have no objection if one last and final opportunity is granted in this regard, subject to a reasonable cost.

7. Keeping in mind the overall facts and circumstances of the case and also keeping in mind the gracious concession given by Mr. Rishipal Singh, learned counsel for respondent/plaintiff, the present petition is hereby disposed of with the direction that defendants would be permitted to examine official witnesses as well as their mother and learned Trial Court would give them one final but effective opportunity.

8. Let list of such witnesses be submitted before the learned Trial Court within two weeks from today with advance copy to the other side. The affidavit of the mother of the defendant who wants to enter into witness box be also submitted along with such list of witnesses with advance copy to the plaintiff. It is clarified that the defendants would be only entitled to one opportunity in this regard.

9. Simultaneously, for causing delay in the matter, they are burdened with cost of Rs. 15,000/- which shall be payable to the opposite side before the



learned Trial Court on the next date of hearing.

10. The petition stands disposed of in aforesaid terms.

(MANOJ JAIN)
JUDGE

SEPTEMBER 3, 2024/sw