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

% ***Date of decision: 20th September, 2024***

+ **CM(M) 3430/2024 & CM APPL. 55148/2024 & CM APPL. 55149/2024**

SOMESHWAR DAYAL

.....Petitioner

Through: Ms. Malavika Rajkotia, Mr. Ramakant Sharma, Mr. Ravi Avasthi, Mr. Prateek Avasthi and Ms. Trisha Gupta, Advocates.

versus

ANUPAMA DAYAL

.....Respondent

Through: Mr. Roshan Santhalia, Advocate.

CORAM:

HON'BLE MR. JUSTICE MANOJ JAIN

J U D G M E N T (oral)

1. Petitioner is defending a Civil Suit seeking recovery of Rs. 61,81,206/- filed by his wife.
2. When the matter was taken up by the learned Trial Court on 5th September, 2024 for final arguments, for the first time, the defendant had sought short adjournment to address final arguments.
3. However, the request was declined on the premise that it was one of the top 10 oldest matters pending in that Court.
4. The final arguments were heard from the side of the plaintiff and the matter was reserved for judgment for 28th September, 2024.
5. Admittedly, the opportunity was also given to defendant to file written



submissions.

6. The grievance is merely limited to the effect that, at least, one opportunity to address oral arguments should have been given. He also states that he shall not take more than 40 minutes in concluding the arguments.

7. Learned counsel for the respondent/plaintiff appears on advance notice and leaves it to the Court to pass appropriate order in this regard.

8. Needless to say, right to address oral arguments is invaluable and indispensable one and cannot be denied merely on the ground that it was an old case. Moreso, it was only the first date fixed for final arguments.

9. After ascertaining the availability of the counsel for the parties, the present petition is disposed of with the direction that the defendant would be permitted to address oral arguments before the learned Trial Court for 40 minutes on 25th September, 2024 at 2:30 P.M.

10. If required, the plaintiff would also be at liberty to address oral arguments, in brief, in rebuttal only.

11. The petition stands disposed of in aforesaid terms.

12. Order *dasti*, under the signature of the Court Master.

(MANOJ JAIN)

JUDGE

SEPTEMBER 20, 2024/ss