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

+ **CM(M) 4014/2024**

JANARDHAN SINGH & ORS.Petitioners

Through: Mr. Sujit K. Jaiswal, Adv..

versus

JITNA DEVI & ORS.Respondents

Through: Mr. Ankit Mutreja and Ms. Shipali Garg, Advs.

CORAM:

HON'BLE MR. JUSTICE RAVINDER DUDEJA

ORDER

% **19.12.2024**

CM APPL. 71811/2024 (exemption)

Allowed, subject to all just exceptions.

The application stands disposed of.

CM(M) 4014/2024

1. Petitioner filed CS DJ No.744/2018 for possession and permanent injunction, on the basis of the will executed by his late brother Mr. Vijay Bahadur Singh.
2. In CM (M) 1796/2019, this court directed the learned Trial Court to make an endeavour to dispose of the suit within a period of 01 year. However, this deadline was not met because of Covid-19.
3. Thereafter, on an application under Section 151 CPC filed by the respondent in the disposed of petition, this Court issued directions to the learned Trial Court to dispose of the case within a period of six months.



4. The six months timeline is going to expire on 09.01.2025.
5. Despite the time-bound direction, the petitioner has not been able to even complete his own evidence, therefore, the Trial Court was constrained to close the evidence of the petitioner vide order dated 26.10.2024.
6. By virtue of the present petition, the petitioner prays for grant of one more opportunity for completing his evidence.
7. It is submitted that the two attesting witnesses are to be examined and the record is to be summoned from the Office of Sub-Registrar, where the will was registered.
8. The Petitioner undertakes to produce both the attesting witnesses before the Court at its own responsibility.
9. The learned counsel of respondent has contested the petition arguing that the petitioner has already availed several adjournments and has defaulted in completing his evidence despite time bound direction of this Court.
10. Even though, time bound directions have been issued twice by this Court, keeping in view, the fact that the suit is based on the will, therefore, examination of the attesting witnesses is most essential for proper adjudication of the case.
11. For the delay caused, the respondent can be compensated with cost.
12. Keeping in view the entire facts and circumstances, the petitioner is granted one more opportunity to lead his evidence.
13. Petition is accordingly allowed, subject to cost of Rs.10,000/- to be paid by the petitioner to the respondent.
14. The order is further subject to the condition that petitioner would



15. produce both the attesting witnesses at its own responsibility before the learned Trial Court and would take steps well in advance to summon the official witness, if he so desires.

16. The learned Trial Court is directed to take up the matter on day-to-day basis and make all possible endeavour to conclude the trial of the case as expeditiously as possible.

RAVINDER DUDEJA, J

DECEMBER 19, 2024/sky