



\$~86

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

+ **CM(M) 119/2025**

REKHA AJMANI

.....Petitioner

Through: Mr. Sunil Dalal, Sr. Adv. with Mr. Nikhil Benwal, Mr. Navish Bhati, Ms. Shipra Bali, Ms. Riya Rana, Mr. Rajiv Singh and Mr. Sandeep Sharma, Advocates.

versus

SUNITA JAIN

.....Respondent

Through:

CORAM:

HON'BLE MR. JUSTICE RAVINDER DUDEJA

ORDER

% **20.01.2025**

CM APPL. 3529/2025 EXEMPTION

Allowed, subject to all just exceptions.

The application stands disposed of.

CM(M) 119/2025 & CM APPL. 3528/2025 STAY

1. This is a petition under Article 227 of the Constitution of India for quashing/setting aside the order dated 11.12.2024 passed by the learned District Judge-06, South East, Saket Courts, Delhi in CS DJ No. 41/2020 whereby the right of the petitioner to lead evidence has been closed.
2. Learned counsel submits that on the date fixed i.e 11.12.2024, the



witness Sh. Shamit Ajmani could not appear due to hospitalization of his father. He submits that the petitioner has all the medical record which substantiates the factum of hospitalization of the father of the witness.

3. Taking note of the previous conduct of the petitioner as also the fact that no documentary proof of hospitalization of the father of the witness was submitted, the trial court deemed it appropriate to close the defendant's evidence and burdened her with cost of Rs.25,000/-.

4. At this stage, learned counsel seeks permission to withdraw the present petition with liberty to file application along with the supporting documents for recall of the order dated 11.12.2024 and for grant of an opportunity for leading defendant's evidence before the trial court.

5. The statement made by learned counsel is taken on record, and petition is dismissed as withdrawn with liberty as prayed for.

6. Once such an application is made, the trial court shall hear the parties and pass appropriate orders as per law. However, it is made clear that this order has been passed without considering the merits of the case .

7. Copy of this order be given dasti under the signatures of the Court Master.

RAVINDER DUDEJA, J

JANUARY 20, 2025/ib/fs