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IN THE HIGH COURT OF DELHI AT NEW DELHI
C.R.P. 46/2025 & CM APPL. 8049/2025

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SMT POOJA

.....Petitioner

Through: Ms. Pallavi Singh, Adv.

versus

SHRI CHAND SINGH & ANR.Respondents

Through: Ms. Jagrati Singh, Mr.
Rajpal & Mr. Surender
Kumar, Advs. for R-1.

CORAM:

HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER

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11.02.2025

CM APPL. 8050/2025 (exemption)

1. Exemption allowed, subject to all just exceptions.
2. The application stands disposed of.

C.R.P. 46/2025 & CM APPL. 8049/2025

3. The petitioner challenges the order dated 08.01.2025 passed by the learned Trial Court, pursuant to which the right to lead defence evidence was closed in the suit bearing No. CS SCJ 369/2018, filed by Respondent No. 1/ plaintiff, praying for a decree of possession against the petitioner, who is also his daughter-in-law.

4. The suit was filed in March, 2018. The learned Trial Court while noting that the matter was listed for the first time for defendant evidence (DE) on 14.11.2022 and since then it has not been concluded on account of the petitioner / defendant taking adjournments on some pretext or the other, closed the right of the defendant to lead DE.

5. On perusal of the record, this Court finds no infirmity in the order passed by the learned Trial Court. However, considering the fact that the parties to the suit are related to each



other, wherein the father-in-law has filed a suit for eviction against the daughter-in-law, this Court is of the opinion that one last opportunity be granted to the petitioner to lead evidence.

6. The learned counsel for respondent No.1, who appears on advance service, states that multiple adjournments had been taken by the petitioner before the learned Trial Court. She submits that the plaintiff/ Respondent No. 1 is a 78 years old Super Senior Citizen and has been evicted from his own property. She submits that she has no objection if one last opportunity is granted, on the plaintiff being put to terms.

7. The learned counsel for the petitioner, on instructions, undertakes that no unwarranted adjournment would be taken and all efforts would be made to complete the DE in two dates as fixed by the learned Trial Court or by this Court.

8. In view of the above, the impugned order is set aside. The learned Trial Court is directed to grant one last opportunity to the defendant/ petitioner to lead evidence. The matter is stated to be listed on 12.02.2025 for further proceedings.

9. The learned Trial Court is directed to fix a date for the defendant to lead evidence and preferably fix two dates for the same. The learned Trial Court is also directed not to grant unwarranted adjournments to the defendant and considering the fact that the suit was filed by a senior citizen in the year 2018, make all endeavours to conclude the proceedings within a period of six months from date.

10. The petition is disposed of in the aforesaid terms.

11. Copy of this order be sent to the learned Trial Court.

AMIT MAHAJAN, J

FEBRUARY 11, 2025

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