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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**  
+ **CM(M) 591/2025 & CM APPL. 18755-18756/2025**  
**PAWAN KUMAR**

.....Petitioner

Through: Mr. Kunal V., Mr. Deepak K. Sharma  
and Mr. Neeraj Kumar, Advocates.

versus

**KUMESH BIDHURI**

.....Respondent

Through: Mr. C. Mohan Rao, Sr. Advocate with  
Mr. Lokesh Kumar Sharma,  
Advocate.

**CORAM:**  
**HON'BLE MR. JUSTICE MANOJ JAIN**

**ORDER**  
**14.05.2025**

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1. Petitioner is defending a recovery suit and is aggrieved by order dated 26.10.2023 whereby his application moved under Order VIII Rule 1A(3) read with Section 151 CPC has been dismissed.
2. By virtue of the abovesaid application, the defendant wanted to place on record bank statement of his own savings account, maintained with Dena Bank, New Delhi.
3. Petitioner is aggrieved by the dismissal of his abovesaid application.
4. However, it is noticed that after the dismissal of the abovesaid application the learned Trial Court fixed up the matter for defendant's evidence and when the matter was taken up on 01.04.2025, noticing that no defence evidence had been led, even the defendant's evidence has been closed and the matter has now been fixed up for final arguments on 21<sup>st</sup> instant.

CM(M) 591/2025

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5. Learned Senior Counsel for respondent/plaintiff has appeared pursuant to the notice issued by this Court.
6. After hearing arguments for some time, learned counsel for the petitioner, without prejudice to his rights and contentions, does not press the present petition. He, however, submits that on 01.04.2025, the matter was fixed up for consideration before this Court and same day, when his associate appeared before the learned Trial Court with the request for adjournment, such adjournment was declined and, resultantly, the defendant's evidence was closed.
7. He submits that defendant-Mr. Pawan Kuamar has already submitted his affidavit and the limited request is, now, to the effect that defendant may be permitted to examine himself.
8. Learned Senior Counsel for respondent/plaintiff, on instructions, submits that he would have no objection to the abovesaid limited request. He, however, contends that there is reference of certain averments and documents, beyond pleadings and he would take requisite objection in this regard as and when such affidavit is tendered in evidence.
9. Keeping in mind the overall facts of the case, though, petition in question is disposed of as not pressed, defendant i.e. Mr. Pawan Kumar is also granted one opportunity to examine himself.
10. Since it is apprised that his affidavit is already on record and the next date before the learned Trial Court is of 21.05.2025, the abovesaid defendant shall appear before the learned Trial Court same day i.e. on 21.05.2025 and depending upon its board position, the learned Trial Court would be at liberty to either examine him same day or to give some other date for such examination, after ascertaining the availability and convenience of the



counsel and the witness.

11. However, it is made clear that the defendant would be entitled to only one effective opportunity in this regard.

12. The petition stands disposed of in aforesaid terms.

13. The pending applications also stand disposed of in aforesaid terms.

**MANOJ JAIN, J**

**MAY 14, 2025/ss/js**