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

% ***Date of Decision: 2nd April, 2025***

+ CM(M) 608/2025, CM APPL. 19182/2025 & CM APPL. 19183/2025

SH. SAILESH GUPTA

.....Petitioner

Through: Mr. Sujeet Beniwal, Advocate.
(through V.C.)

versus

SH. VIKAS GUPTA & ORS.

.....Respondents

Through: Mr. Manjeet Singh Bhamra and
Mr. S.S. Oberoi, Advocates for
Respondents No. 1 & 2
(through V.C.)

CORAM:

HON'BLE MR. JUSTICE MANOJ JAIN

JUDGMENT (oral)

1. Petitioner is defendant No.2 before the learned Trial Court and is defending a suit for possession filed under Section 6 of Specific Relief Act, 1963.
2. The grievance raised herein is very limited.
3. There was delay in filing *list of witnesses* and the learned Trial Court has, on account of such delay, refused to take such list on record.
4. Learned counsel for plaintiffs/respondents appears on advance notice and submits that the issues were framed by the learned Trial Court on 31.03.2023 and there was a direction to submit list of witnesses by both the parties within fifteen days. It is submitted that though the plaintiffs have filed their list of witnesses immediately, defendant No.2 took the things in a



very casual manner and submitted *list of witnesses* only on 01.02.2025, the date on which, it was, eventually, refused to be taken on record.

5. Learned counsel for the respondents/plaintiffs also submits that he does not want any further delay in his case and, therefore, without prejudice to his rights and contentions, he would have no objection if such list is taken on record, *albeit*, subject to imposition of some cost.

6. Keeping in mind the overall facts of the case and the gracious concession given by learned counsel for the respondents/plaintiffs, the petition is allowed with direction that such list of witnesses, filed by defendant No.2, shall be deemed to be on record. However, for causing delay in the submission of such list of witnesses, defendant No.2 is burdened with cost of Rs.15,000/-, which shall be payable to the opposite side on the next date of hearing before the learned Trial Court, which is stated to be 04.06.2025.

7. The present petition, along with the pending applications, stands disposed of in the aforesaid terms.

(MANOJ JAIN)
JUDGE

APRIL 2, 2025
st/SS