



2025:DHC:4039



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

Date of Decision: 16.05.2025

+ **CM(M) 2355/2024 & CM Appls.22284-85/2024, 25011/2024**

CHANDRESH JAIN

.....Petitioner

Through: Mr. Davinder Varma, Adv.

versus

GHASI RAM JAIN (SINCE DECEASED) THROUGH HIS LRS

AND ORS

.....Respondents

Through: Mr. Dharm Chand Jain, LR 1(b) to R1.

Mr. Ankit Jain, Adv. for R-2.

Mr. Gaurav Bhardwaj and Mr. Gaurav Jain, Advs. for R-3.

CORAM:

HON'BLE MS. JUSTICE TARA VITASTA GANJU

TARA VITASTA GANJU, J.: (Oral)

1. Mr. Dharam Chand Jain, LR 1(b) to Respondent No. 1 appears in person and submits that he is Plaintiff before the learned Trial Court and he was also present before the Court on 13.05.2025. The order dated 13.05.2025 be reflected to include the presence of Mr. Dharam Chand Jain.
2. The present Petition has been filed under Article 227 of the Constitution of India seeking to challenge the order dated 22.03.2024 passed by learned ADJ-04, South West, Dwarka Courts, Delhi [hereinafter referred to as "Impugned Order"]. By the Impugned Order, right to lead evidence by Defendant No. 5 stands closed. The learned Trial Court by the Impugned Order, found that despite repeated opportunities, the Petitioner (Defendant No. 5 before the learned Trial Court) had not led his evidence and despite that imposition of costs did not appear on the date fixed.
3. After some arguments, learned Counsel for Respondent No.1 submits



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that in the interest of expediency and given the fact that the matter is not being adjudicated by the learned Trial Court in view of the stay directed by this Court, one opportunity be granted on a fixed date to the Petitioner (Defendant No. 5) to lead and conclude his evidence.

4. Learned Counsel for the Petitioner, on instructions, submits that he is agreeable to the same.

5. Accordingly, the Impugned Order is set aside.

6. With the consent of the parties, the following directions are passed:

(i) the parties shall appear before the learned Trial Court on 23.05.2025; and

(ii) the learned Trial Court is requested to schedule one date for the examination of Defendant No. 5.

7. Learned Counsel for Respondent Nos. 2 and 3 (Defendant Nos. 1 and 2 before the learned Trial Court) submits that they will not take more than half an hour each to cross-examine Defendant No. 5. The statement of learned Counsel is taken on record. Respondent Nos. 2 and 3 (Defendant Nos. 1 and 2 before the learned Trial Court) are bound down by the statement made by their Counsel today.

8. The learned Trial Court shall schedule the evidence of Defendant No.5 accordingly.

9. The Petition is disposed of in the foregoing. All pending Applications stand closed.

10. The parties will act based on the digitally signed copy of the order.

TARA VITASTA GANJU, J

MAY 16, 2025/r/pa

[Click here to check corrigendum, if any](#)