



2025:DHC:7301



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* IN THE HIGH COURT OF DELHI AT NEW DELHI

% *Date of Decision: 22nd, August, 2025*+ CM(M) 1587/2025, CM APPL. 52225/2025, CM APPL. 52226/2025
& CM APPL. 52227/2025BRIGADIER SUDARSHAN KUMAR GROVER (THROUGH
LEGAL HEIRS & ORS.PetitionerThrough: Mr. Aaditya Vijaykumar with Mr.
Amber Chaturvedi, Ms. Pratishtha
Chauhan, Advocates.

versus

BRIG. (RETD.) SURINDER KUMAR GROVER (DECEASED) (
THROUGH LEGAL HEIRS) & ORS.Respondent

Through:

CORAM:**HON'BLE MR. JUSTICE MANOJ JAIN****J U D G M E N T (oral)**

1. Petitioner has filed a suit for partition and declaration and is aggrieved by order dated 15.07.2025 whereby the request made by the plaintiff No.1(b) for summoning additional witnesses has been declined and, resultantly, their application moved under Order XVI Rule 1 CPC has been dismissed.
2. Admittedly, the suit in question was filed way back in the year 1994.
3. The issues were framed on 30.05.2006.
4. The plaintiff was able to conclude his evidence on 27.01.2010.
5. Thereafter, the evidence on behalf of defendants was also closed on 13.12.2017 and the matter is lying for final arguments since 27.01.2018.
6. After virtually, a period of six years reckoned from the date when the matter was listed for final arguments, the abovesaid application had been moved seeking permission to examine three additional witnesses.
7. Undoubtedly, the witnesses which the plaintiff wants to examine are official witnesses but fact remains that such request coming at such a belated stage is not entertainable at all.



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8. According to learned counsel for petitioner, the necessity of moving the abovesaid application arose only in the year 2022 because of shifting stand taken by the respondents/defendants, when reply was filed on behalf of LR No. 1 of defendant No.1.

9. Fact, however, remains that the adjudication of the suit for partition would be based on the evidence led before it and, therefore, the grievance raised by the petitioner is completely misdirected one and being unnecessarily apprehensive, the abovesaid application was filed by him seeking to examine additional witnesses.

10. If petitioner/plaintiff really wanted to examine those witnesses, irrespective of the alleged shifting stand taken by the defendants, it could have, still, called those official witnesses, particularly, when the suit in question is a partition suit.

11. Fact, however, remains that the exercise of jurisdiction by learned Trial Court while dismissing of the abovesaid application under Order XVI Rule 1 CPC seems to be a judicious one and does not contain any perversity or arbitrariness, necessitating any interference under Article 227 of Constitution of India.

12. The present petition is dismissed *in limine*.

13. Pending applications also stand disposed of in aforesaid terms.

14. Since the suit was filed in the year 1994 and is at the stage of final argument for quite some time, learned Trial Court is requested to dispose of the same, as expeditiously as possible.

(MANOJ JAIN)
JUDGE

AUGUST 22, 2025/sw/JS