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

% ***Date of Decision: 26th March, 2025***

+ **CM(M) 3619/2024 & CM APPL. 60680/2024**
POONAM RANI

.....Petitioner

Through: **Mr. Adnan Ahmad with Ms. Aparajita
Sharma, Advocates.**

versus

RAM BHAGAT

.....Respondent

Through: **Mr. Kuldeep Vashisht, Advocate.**

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

1. Mr. Kuldeep Vashisht, learned counsel for respondent appears through video conferencing.
2. When this matter was taken up by this Court on 16.10.2024, the following order was passed:-

- “1. Petitioner is defending a recovery suit.*
- 2. She is aggrieved by order dated 26.04.2024 whereby her right to lead evidence has been closed and the case has been fixed for final arguments.*
- 3. When she moved an application under Section 151 CPC seeking to set aside the aforesaid order and to provide her with one more opportunity to lead evidence, her such application has also been dismissed vide order dated 02.08.2024.*
- 4. This Court has gone through the aforesaid orders and it seems that defendant herself is responsible for her miseries as despite grant of opportunities on earlier occasions, she did not avail those. It also needs to be noted that she was even subjected to cost.*



5. *However, there is one compelling reason which has been revealed by the petitioner and it is also reflected in the impugned order.*
6. *Suit has been filed against the petitioner herein i.e. Ms. Poonam Rani in her individual capacity and her husband is reportedly in judicial custody in some cheating case for last one and half year and it is contended that as she was reeling under acute pressure, she could not take the requisite steps. It has also been informed that her husband has now come out of jail on interim bail on 20.09.2024.*
7. *It is submitted that case is now fixed for final arguments on 18.10.2024 before the learned Trial Court.*
8. *Issue notice to respondent (s) through all permissible modes including dasti. Notice be also issued through counsel.*
9. *List on 08.11.2024.*
10. *Learned Trial Court is requested to defer hearing of final arguments till next date of hearing.*
11. *However, on the next date, petitioner would, without prejudice to rights and contentions of the parties, bring a demand draft of Rs. 20,000/- in the name of the plaintiff i.e. Mr. Ram Bhagat.*
12. *Matter be shown in the Supplementary List.”*

3. Learned counsel for respondent, without prejudice to his rights and contentions, submits that he would have no objection if the present petition is allowed by granting only one opportunity to petitioner i.e. defendant-Ms. Poonam Rani to lead her evidence before the learned Trial Court. He submits that since he has joined the proceedings through video conferencing, he is in no position to accept the draft of Rs. 20,000/- which has been brought by his counterpart. He, however, submits that the next date before the learned Trial Court is of 08.04.2025 and he would accept the same before the learned Trial Court.

4. The petition is accordingly disposed of with the consent of parties and let demand draft of Rs. 20,000/- in the name of plaintiff be handed over to plaintiff/counsel for plaintiff before the learned Trial Court on said date and the learned Trial Court would also grant her permission to lead her evidence.



5. However, it is clarified that she would be entitled to only one effective opportunity in this regard.
6. Petition, along with the pending application, stands disposed of in aforesaid terms.

(MANOJ JAIN)
JUDGE

MARCH 26, 2025/ sw/shs