



\$~45

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

+ **CM(M) 2190/2025, CM APPL. 71697/2025 & 71698/2025**

RAJENDER KUMAR CHAUHAN & ANR.Petitioners

Through: Mr. Madhu Sudhan, Advocate

versus

SMT LATA BHASIN & ANR.Respondents

Through: Mr. R.K. Jain, Advocate

CORAM:

HON'BLE MR. JUSTICE GIRISH KATHPALIA

ORDER

%

17.11.2025

1. Petitioners/defendants have assailed orders dated 05.12.2024 and 10.09.2025 of the learned trial court. By way of order dated 05.12.2024, the defendants' evidence was closed after complete examination of witness Shri Sunil Chauhan since no other witness was present nor summoned and the matter was posted for final arguments to 12.03.2025. Thereafter, petitioners/defendants filed an application under Section 151 CPC, seeking opportunity to examine another witness namely Rajender Kumar Chauhan, which application was dismissed by impugned order dated 10.09.2025.

2. It appears that the petitioners/defendants had filed chief affidavits of the said two witnesses and those chief affidavits being identical, counsel for respondent/plaintiff sought permission to examine both witnesses on same day. At that stage, the matter was adjourned repeatedly for one or the other reason and finally on 05.12.2024, only one witness appeared and he was examined and discharged.



3. Admittedly, petitioners/defendants opted not to challenge order dated 05.12.2024 soon thereafter.
4. *Prima facie*, I find no infirmity in the impugned orders, but learned counsel for petitioners/defendants expresses apprehension that at the stage of final arguments or at appellate stage, the respondent/plaintiff may not claim adverse inference for failure of Rajender Kumar Chauhan to step into box.
5. At this stage, learned counsel for respondent/plaintiff appears through videoconferencing and submits that he has heard the above submissions, though also claims that he was not supplied complete paperbook. However, learned counsel for respondent/plaintiff, on instructions of his client, submits that the respondent/plaintiff shall not claim any adverse inference at any stage on account of non-examination of Rajender Kumar Chauhan.
6. Going by the above statement of learned counsel for respondent/plaintiff, in view of aforesaid, learned counsel for petitioners/defendants, on instructions, seeks permission to withdraw this petition.
7. Accordingly, this petition and the accompanying applications are dismissed as withdrawn, making it clear that the present petition has been withdrawn by learned counsel only in view of above statement of learned counsel for respondent/plaintiff and also in the interest of expeditious disposal of the suit, so this withdrawal shall not be read against the petitioners/defendants in any manner.

GIRISH KATHPALIA, J

NOVEMBER 17, 2025/as