



2026:DHC:3875



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI*****Date of Decision: 06th May, 2026***

+ CM(M) 1036/2026, CM APPL. 30194/2026 & CM APPL. 30195/2026
SMT JYOTI & ANR.Petitioners

Through: Mr. Rajender Chhabra and Ms. Vanya
Chhabra, Advocates.

versus

SH HITESH BAJAJRespondent
Through: None.

CORAM:
HON'BLE MR. JUSTICE RAJNEESH KUMAR GUPTA

ORDER (Oral)

Rajneesh Kumar Gupta, J.

1. This hearing has been conducted through hybrid mode.
2. The present petition has been filed by the petitioners under Article 227 of the Constitution of India, 1950, assailing the impugned order dated 25th March, 2025, 08th July, 2025 and 07th January, 2026, passed by the learned Trial Court in CS SCJ No. 612536/2016, whereby the learned Trial Court closed the evidence of the petitioners/plaintiffs.
3. Heard. Record perused.
4. Learned Counsel for the petitioners submits that the learned Trial Court has passed the impugned order on the basis of surmises and conjectures, which is against the facts and law. It is further submitted that, in case the petitioners are not allowed to examine the witnesses, grave prejudice shall be caused to the case of the petitioners. It is prayed that opportunity be granted to



2026:DHC:3875



the petitioners to lead their evidence.

5. A perusal of the record shows that *vide* order dated 23rd October, 2024, the evidence of the petitioners was closed. Thereafter, the petitioners moved an application for recall of the said order, which was allowed *vide* order dated 25th March, 2025, subject to payment of cost and a last opportunity was granted to the petitioners to examine their witnesses. Further, *vide* order dated 08th July, 2025, the PE was again closed as the petitioner did not lead their evidence. The matter is now fixed for final arguments before the learned Trial Court.

6. It is evident from the record that the petitioners were granted sufficient opportunities to lead their evidence but have failed to avail any of these opportunities. It shows the conduct of the petitioners which has resulted in the delay of the trial. Accordingly, this Court does not find any infirmity in the impugned order in closing the evidence of the petitioners. The present petition is dismissed as being devoid of any merit. Pending application(s), if any, also stand disposed of.

RAJNEESH KUMAR GUPTA, J

MAY 6, 2026/MR/ik