



2026:DHC:543



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI*****Date of Decision : 22nd January 2026***+ **CM(M) 1767/2025 & CM APPL. 57458/2025****AASHISH S SAXENA**

.....Petitioner

Through: **Ms. Gurmeet Bindra, Advocate.**

versus

DR. COL. S. N. KATIYAR

.....Respondent

Through: **Mr. Mudiet Mishra and Mr. Shiv Prem, Advocates.****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 petitioner under Article 227 of Constitution of India, assailing the order dated 04th June, 2025 passed by the learned Trial Court in *CS No. 59331/2016* whereby the evidence of the petitioner/defendant has been closed.
3. Learned Counsel for the petitioner submits that the petitioner was unable to give his evidence before the learned Trial Court due to his illness. It is further submitted that the petitioner has to examine himself only in his evidence. It is also submitted that as the matter is now listed before the learned Trial Court on 30th January, 2026 and that the petitioner shall be examined on the said date itself. It is prayed that one more opportunity be granted to the petitioner to lead his evidence.



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4. *Per Contra*, learned Counsel for the respondent submits that the impugned order was passed after considering the material on record as the petitioner has sought so many adjournments without any reasonable cause and that the present petition has been filed only to delay the proceedings. The petition is liable to be dismissed.

5. I have heard learned Counsel for the parties and perused the record.

6. Keeping in view the facts and circumstances of the case, this Court is of the opinion that it is in the interest of justice that one more opportunity be granted to the petitioner to complete his evidence, as the respondents can be compensated by way of costs. Accordingly, one more opportunity is granted to the petitioner to complete his evidence, subject to payment of costs of Rs. 10,000/- to the respondents, in addition to the costs of Rs. 15,000/- already imposed upon the petitioner by the learned Trial Court.

7. It shall be open to the learned Trial Court to record the evidence of the petitioner on the said date or on the earliest available date thereafter.

8. The present petition is disposed of in above terms, along with the pending application(s), if any.

RAJNEESH KUMAR GUPTA, J

JANUARY 22, 2026/nd/abk