



2026:DHC:3320



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

Date of Decision: 21st April, 2026

+ CM(M) 2182/2025 & CM APPL. 71241/2025

DILBAGH SINGH

.....Petitioner

Through: Mr. Sanjay Mishra and Mr. Kartikey
Mittal, Advocates (Through VC).

versus

TEJPAL SINGH & ORS.

.....Respondents

Through: Mr. Vijay Zaveri, Advocate for R-1.

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 under Article 227 of the Constitution of India, assailing the order dated 30th October, 2025, passed by the learned Trial Court in *CS DJ No. 8870/2016*, whereby the right of the petitioner/defendant to lead evidence has been closed.
3. Heard. Record perused.
4. Learned counsel for the petitioner submits that the learned Trial Court has closed the right of the petitioner/defendant to lead evidence without granting sufficient opportunities. It is further submitted that, if the petitioner is not granted an opportunity to lead evidence, grave injustice would be caused to the petitioner.
5. *Per contra*, learned counsel for the respondent submits that the learned Trial Court has granted sufficient opportunities to the petitioner to lead



evidence. However, the petitioner has failed to avail the same, and the present petition has been filed only to delay the trial of the case.

6. The impugned order dated 30th October, 2025 reads as under:

“Today the matter is fixed for examination in chief and cross examination of DW1.

On 10.10.2025 plaintiff's evidence was closed and it was directed that evidence affidavit of DW1 be filed before the next date of hearing. It was also made clear that no adjournment shall be granted to the defendant on the next date of hearing. On the next date of hearing i.e. 18.10.2025 defendant had sought some more time to file evidence affidavit of defendant's witness and last opportunity was granted to defendant to lead evidence; however no evidence affidavit has been filed till date.

*In the circumstances, this court considers it fit to **close the right of defendant to lead evidence.***

DE stands closed.

Considering that is one of the oldest matters, it is made clear that no adjournment shall be granted. If either of the parties fail to appear, the matter shall be decided on the basis of pleadings and evidence already led.

*List for final arguments on **17.11.2025.**”*

7. Learned counsel for the petitioner submits that he has already filed the evidence affidavit of DW - *Dilbagh Singh*, along with the list of witnesses, before the concerned Trial Court.

8. The petitioner has only filed the evidence affidavit of DW - *Dilbagh Singh*. After keeping in view the facts and circumstances of the case and the submissions made by the learned Counsels for the parties, this Court is of the opinion that it would be in the interest of justice to grant one more opportunity to the petitioner to examine only DW - *Dilbagh Singh*, as his evidence affidavit has been already placed on record.

9. It shall be open to the learned Trial Court to record the evidence of



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DW- *Dilbagh Singh* on the date already fixed or on any other date, as may be convenient to the learned Trial Court.

10. Accordingly, the present petition stands disposed of in above terms. Pending application(s), if any, also stand disposed of.

RAJNEESH KUMAR GUPTA, J

APRIL 21, 2026/nd/abk

Signature Not Verified

Signed By: VAISHALI
CHAUHAN
Signing Date: 22.04.2026
11:47:14

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