



\$~58

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

+ **CM(M) 75/2026**

POLE RAM

.....Petitioner

Through: Mr. Vijay Kinger, Mr. Hemant Kumar, Mr. Himanshu Kinger and Ms. Roopa Nagpal, Advocates.

versus

RAM KISHAN SHARMA -DECEASED THROUGH LRS AND ORS.

.....Respondents

Through: None.

CORAM:

HON'BLE MR. JUSTICE RAJNEESH KUMAR GUPTA

ORDER

% **13.01.2026**

1. This hearing has been conducted through hybrid mode.

CM APPL. 1920/2026 (for exemption)

2. Allowed, subject to all just exceptions.

3. Accordingly, the present application is disposed of.

CM(M) 75/2026 & CM APPL. 1919/2026 (for stay)

4. The present petition has been filed by the petitioner under Article 227 of Constitution assailing the impugned order dated 25th September, 2025 passed by the Trial Court, whereby the application of the petitioner seeking setting aside of the order dated 10th September, 2025 has been dismissed.

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

6. Ld. Counsel for the petitioner submits that the witnesses sought to be examined by the petitioner are the material witnesses and that the delay in their examination was beyond the control of the petitioner. It is further



submitted that at every stage, the petitioner had taken appropriate steps to conclude the petitioner's evidence.

7. I have carefully perused the orders dated 10th September, 2025 and 25th September, 2025 passed by the learned Trial Court.

8. The relevant portion of the order dated 10th September, 2025 reads as under:

“...Perusal of record shows that issues were framed on 09.04.2014 and thereafter for 12 years, the plaintiff is unnecessarily lingering the matter for PE by again and again moving different application for moving fresh witnesses in the name of justice. The plaintiff has not filed any list of witness in terms of order dated 09.04.2014 for last more than 12 years. This time also, it is very clear on record that vide order dated 01.09.2025, the plaintiff was not having anything with him to call an PE and plaintiff was directed to pursue the matter diligently as the present matter is one of 20 oldest matters in the court of undersigned. The plaintiff has wasted enough time by calling the record from Bank, Registrar Office Ghaziabad and Hand Writing Expert despite the fact that plaintiff was not having any admitted hand writing of so called executed attorney at Ghaziabad. This time also, the last and final opportunity was granted to plaintiff to lead entire PE vide order dated 01.09.2025, whereafter plaintiff introduced another fresh 09 witnesses without having list of witness from last 12 years. All the witnesses mentioned in the application dated 06.09.2025 were not so that they were out of knowledge or reach of plaintiff since the day of framing of issue i.e. 09.04.2014. In last 12 years, 13 witnesses have already been examined by plaintiff. The plaintiff is stretching the PE to height of sluggishness and it is sheer wastage of precious time of court. In view of above observations, both the witnesses stand discharged as unexamined. Diet money paid to both the witnesses. PE stands closed.”

9. The relevant portion of the order dated 25th September, 2025 reads as



under:

“...Perusal of application shows that even single reason has not been assigned for which the plaintiff want to get the order dated 10.09.2025 set aside. The issues were framed vide order dated 09.04.2014 and it is almost more than 11 years that plaintiff is lingering the matter for PE for one reason or another. In absence of any cogent ground and the application is devoid of merit, hence dismissed.”

10. It is evident from aforesaid orders that the issues were framed on 09th April, 2014 and the matter has remained at the stage of plaintiff's evidence for more than 11 years. The suit itself pertains to the year 2010. Keeping in view of these facts and the fact that as the trial of the case has been unnecessarily delayed on account of the opportunities taken by the petitioner to lead his evidence, this Court does not find any infirmity or illegality in the impugned order passed by the learned Trial Court and it does not call for any interference.

11. Accordingly, the present petition is dismissed as being devoid of any merits. All the pending applications, if any, are also disposed of.

RAJNEESH KUMAR GUPTA, J

JANUARY 13, 2026/MR/ABK