



2025:DHC:7741



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

% **Date of Decision: 03<sup>rd</sup> September, 2025**

+ **CM(M) 1708/2025 & CM APPL. 55595-55596/2025**

**CHANDER SHEKHAR SETHI AND ANR**

.....Petitioner

Through: Mr. Anuroop P.S. and Mr. Sachin  
Wadhwa, Advocates.

versus

**VINOD SETHI**

.....Respondent

Through: Mr. Somesh Arora, Advocate.

**CORAM:**

**HON'BLE MR. JUSTICE MANOJ JAIN**

**J U D G M E N T (oral)**

1. Petitioners are defending a suit which seeks recovery of possession, *mesne* profits and injunction.
2. The grievance raised by the petitioner is to the order dated 28.08.2024, whereby their right to lead evidence in defense has been closed.
3. It is submitted that on the given date, there was a request from the side of the learned counsel for defendant who had undergone a *tooth surgery* and was unable to come. The learned Trial Court, somehow, took the abovesaid request as a dilatory tactic and has closed the opportunity of defendant to lead evidence.
4. It is submitted that defendant has not been able to examine even a single witness and, if the opportunity is not granted to the defendants, it would cause demonstrable prejudice to their defence.
5. Learned counsel for respondent appears on advance notice.



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6. Mr. Somesh Arora, learned counsel for plaintiff submits that the approach of the defendants is completely casual and nonchalant and, at an earlier point of time, they did not even bother to cross-examine the plaintiff and had to file a separate petition and this Court, *vide* order dated 22.08.2025 passed in CM(M) 1578/2025, has given them one final opportunity to cross-examine plaintiff-Mr. Vinod Sethi who has to fly back to India for the abovesaid cross-examination which is took place on 19<sup>th</sup> instant.

7. However, after hearing arguments for some time, Mr. Somesh Arora, learned counsel for respondent/plaintiff submitted that he would have no objection if one final opportunity in this regard is granted to the defendants.

8. Learned counsel for petitioner submits that he seeks to examine only two witnesses, including defendant No.1-Mr. Chander Shekhar Sethi.

9. It is also assured that the evidence affidavits of both such witnesses would be submitted before the learned Trial Court on 19.09.2025, with advance copy to opposite side.

10. Keeping in mind the overall facts of the case, and the gracious concession given by the learned counsel for respondent, the present petition is disposed of with direction that the defendants would be permitted to examine two witnesses, as indicated above.

11. However, since the case has already got delayed considerably, they would be entitled to only one opportunity in this regard.

12. For causing delay in the matter, they are also burdened with cost of Rs.25,000/- which be deposited with *Delhi Legal Services Authority, West District, Delhi*.

13. Let receipt thereto be placed before the record of the learned Trial Court on said date i.e. 19.09.2025.



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14. The present petition stand disposed of in aforesaid terms.
15. The pending applications also stand disposed of in aforesaid terms.

**(MANOJ JAIN)**  
**JUDGE**

**SEPTEMBER 3, 2025/ss/pb**