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

% ***Date of Decision: 8th April, 2025***

+ CM(M) 543/2023

MUNNI DEVI

.....Petitioner

Through: Mr. Sarvesh Choudhary, Mr. R.K. Pandey, Mr. Jyotirmay Vasisht and Mr. Sumit Srivastava, Advocates.

versus

TELE WOOD

.....Respondent

Through: Ms. Aayushi Jain and Mr. Mohit Gupta, Advocates.

CORAM:

HON'BLE MR. JUSTICE MANOJ JAIN

J U D G M E N T (oral)

CM(M) 543/2023 & CM APPL. 20740/2025 (filed on behalf of the respondent under Section 151 CPC)

1. Plaintiff (respondent herein) had moved an application before the learned Trial Court seeking to lead evidence in rebuttal by moving an application under Order XVIII Rule 3 read with Section 151 CPC. Such application was allowed by the learned Trial Court *vide* order dated 02.08.2022.

2. Defendant, feeling aggrieved, has challenged the abovesaid order.

3. During pendency of the present petition, this Court had permitted the learned Trial Court to record evidence of the proposed witness i.e. one official from Revenue Department (*Patwari*) but with direction that the matter would be kept in abeyance till further orders



are passed by this Court. It is apprised that such witness has already been examined.

4. The present application has now been moved by respondent/plaintiff wherein it has been contended that in order to avoid any further delay in the matter, the plaintiff would have no objection if the learned Trial Court is directed to proceed further with the matter, while ignoring the abovesaid rebuttal evidence which was recorded/sought to be recorded by virtue of impugned order dated 02.08.2022.

5. All in all, learned counsel for the plaintiff submits that she would have no objection if the present petition is allowed. She, however, supplements that a request be made to learned Trial Court to adjudicate the suit which would now be at the stage of final arguments.

6. The next date before the learned Trial Court is stated to be 09.05.2025.

7. Learned counsel for the petitioner has assured that he would render due assistance and cooperation to the learned Trial Court and prays that in view of the fact that the prayer has been conceded to, the present petition may be disposed of accordingly.

8. Keeping in mind the overall facts and circumstances of the case, and the fact that the petitioner is no longer interested in relying on the rebuttal evidence, the present petition is disposed of with direction that the learned Trial Court shall ignore such evidence led in rebuttal and since the case is at the stage of final arguments, the suit be disposed of as expeditiously as possible.



9. The present petition, along with pending applications, is disposed of in aforesaid terms.
10. The next date of 14.08.2025 is cancelled.

(MANOJ JAIN)
JUDGE

APRIL 8, 2025
st/shs