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

% *Date of Decision: 09th May, 2025*

+ CM(M) 478/2025 & CM APPL. 14728/2025
VINAY AGGARWAL

.....Petitioner

Through: Mr. Nikhil Verma, Mr. Kapil Sharma
and Ms. Mahak Agarwal, Advocates.

Versus

HAR BAI (DESEASED) THROUGH LRS

.....Respondent

Through: Appearance not given.

CORAM:

HON'BLE MR. JUSTICE MANOJ JAIN

J U D G M E N T (oral)

1. Petitioner herein is defending a suit for possession and rendition of accounts and is aggrieved by order dated 03.03.2025 whereby his right to further cross-examine the witnesses of the plaintiff has been declined and by virtue of same order, his right to lead his evidence in affirmative has also been closed.
2. When the matter was taken up on 11.03.2025 by this Court, the learned counsel for petitioner submitted that he was confining his relief only to his right to lead evidence.
3. It is submitted that no witness has been examined from the side of the defendant and, as per the instructions, the petitioner herein i.e. Mr. Vinay Aggarwal, who is now one of the LR of the deceased defendant, would be entering into witness box.
4. The next date before the learned Trial Court is 28.05.2025.
5. The learned counsel for respondent/plaintiff submits that there is no



merit or substance in the petition in question. However, in order to avoid any further unnecessary delay in their own suit, he states that he would have no objection if the abovesaid limited request is acceded to, *albeit*, with some cost.

6. The suit in question is indeed a very old one.

7. It was filed in the year 1994.

8. Keeping in mind the overall facts of the case and the gracious concession given by the learned counsel for the plaintiff, the petition is disposed of with the following directions:-

i) The petitioner herein i.e. Mr. Vinay Aggarwal is permitted to enter into witness box as solitary witness for the defendant.

ii) He shall file his affidavit before the learned Trial Court on the abovesaid fixed date with copy to the opposite side, at least three days in advance.

iii) The petitioner herein would be entitled to only one effective opportunity in this regard.

iv) Learned Trial Court, depending on its board position, would be at liberty to record the testimony of such witness on said date. It will be entirely upto the learned Trial Court to give another date for the purposes of recording of evidence of said witness and on any such date to be given by the learned Trial Court, the petitioner herein i.e. DW-Vinay Aggarwal would ensure that he makes himself available so that his examination and cross-examination is done, without any further delay.

v) The petitioner is burdened with the cost of Rs.20,000/- which shall be paid to the plaintiff/counsel for plaintiff on said date.



2025:DHC:3519



9. The present petition stands disposed of in aforesaid terms.
10. Pending application also stands disposed of.

(MANOJ JAIN)
JUDGE

MAY 9, 2025/ss/SS