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

% ***Date of Decision: 18th July, 2025***

+ CM(M) 3484/2024 & CM APPL. 56771/2024

SANTOSH DEVIPetitioner

Through: Mr. Saurabh Khosla and Mr. Arachit
Gupta, Advocates

versus

NAVEEN KUMARRespondent

Through: Respondent-in-person

CORAM:

HON'BLE MR. JUSTICE MANOJ JAIN

J U D G M E N T (oral)

1. Petitioner is plaintiff before the learned Trial Court.
2. When the matter was taken up by the learned Trial Court on 22.05.2023, it closed the right of the plaintiff to lead remaining evidence. On that day, matter was listed for the plaintiff's evidence and the impugned order also records that no PW was present despite service. If the witness was duly summoned and was not present despite service, the learned Trial Court should have, rather, taken further steps in order to secure their presence/attendance before the Court as per Civil Procedure Code.
3. Fact, however, remains that keeping in mind the fact that matter was listed for evidence since the year 2020 and number of opportunities had already been granted to the plaintiff, the learned Trial Court came to the opinion that perhaps plaintiff was not interested in leading any further evidence and has, thus, closed her right to lead further evidence.
4. When an application under Section 151 CPC was moved seeking recall of such order, such application has also been dismissed on 30.11.2023.



5. Such orders are under challenge.
6. Respondent Mr. Naveen Kumar, who is defending the aforesaid suit, has joined the proceedings through *videoconferencing*.
7. Though the case was lying pending for plaintiff's evidence in the year 2020, in view of the pandemic of Covid-2019, in the interregnum, it is not difficult to comprehend that there was no real chance of substantial progress in the matter.
8. During course of arguments, learned counsel for petitioner apprised that as far as plaintiff herself is concerned, she has already entered into witness-box and has also been cross-examined. She wants to examine three more witnesses and the list of such witnesses is already before the learned Trial Court. It is also undertaken that there would not be any further delay from the side of the plaintiff in securing the attendance of these witnesses and, therefore, it is prayed that one opportunity in this regard may be granted so that plaintiff can summon her said three witnesses before the learned Trial Court.
9. Keeping in mind the overall facts of the case and the fact that petitioner is, otherwise, pursuing her case diligently since 2016, the present petition is disposed with the direction that petitioner i.e. Ms. Santosh Devi is granted one last and final opportunity to take steps to examine her said three witnesses.
10. Next date before the learned Trial Court is stated to be 07.08.2025 and the plaintiff is directed to move application in advance seeking attendance of her said witnesses before the learned Trial Court on said date itself so that there is no further delay in the suit in question which had been filed in the year 2016.



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11. Simultaneously, for causing delay in the matter, petitioner is burdened with cost of Rs. 15,000/- which shall be paid to the respondent on the aforesaid date.
12. Petition stands disposed of in the aforesaid terms.
13. Pending application also stands disposed of in the aforesaid terms.

(MANOJ JAIN)
JUDGE

JULY 18, 2025/dr/shs