



2025:DHC:2828



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

% ***Date of Decision: 21st April, 2025***

+ **CM(M) 681/2025 & CM APPL. 21572/2025**

MARRY MESSY

.....Petitioner

Through: Ms. Shasha Jain with Mr. Tarun Lai,
Advocates.

versus

NAVEEN BEHAL

.....Respondent

Through: Mr. Jitin Tewatia, Advocate.

CORAM:

HON'BLE MR. JUSTICE MANOJ JAIN

J U D G M E N T (oral)

1. Petitioner is defending a suit for recovery of possession, arrears of rent and mesne profits.
2. Plaintiff-Mr. Naveen Behal entered into witness box and closed his evidence. When the case was at the stage of evidence of the defendant, instead of leading evidence, certain applications were moved by the defendant.
3. According to petitioner/defendant, she did not submit evidence-affidavits immediately as she was, somehow, under the impression that a direction to that effect would come only after her applications were disposed of. It is submitted that defendant never had any intention to prolong



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the matter and to delay the proceedings unnecessarily and delay has occurred solely on the account of the fact that she had filed several applications and was under the impression that the affidavits would be required to be submitted, once those applications were disposed of.

4. This Court has gone through the order dated 07.12.2024 whereby the applications moved by the defendants were dismissed and simultaneously, her right to lead evidence was closed.

5. The subsequent orders dated 03.12.2025 and 22.03.2025 have also been seen.

6. During course of arguments, learned counsel for the petitioner/defendant has restricted her relief only with respect to grant of permission to defendant-Marry Messy and her husband to enter into witness box. She submits that the defendant is not even challenging the dismissal of her applications and does not wish to examine any other witness, except for defendant and her husband.

7. The case is coming up tomorrow before the learned Trial Court.

8. Learned Counsel for the respondent/plaintiff has also joined the proceedings through *video conferencing*.

9. Though the defendant should have been utmost vigilant and should have filed the affidavits of proposed witnesses immediately, keeping in mind the overall facts and circumstances of the case, the present petition is disposed of with the following directions:-



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- a. Defendant-Marry Messy and her husband shall submit their affidavits with respect to examination-in-chief before the learned Trial Court tomorrow itself.
 - b. Copies of such affidavits shall also be duly supplied to plaintiff/learned counsel for plaintiff tomorrow itself.
 - c. For causing delay in the matter, petitioner herein is burdened with the cost of Rs. 10,000/- which shall be cleared within two weeks.
 - d. Learned Trial Court shall take those affidavits on record and as per its Board position and convenience would fix up date for examination/cross-examination of said two witnesses.
 - e. Defendant and her husband would ensure that they appear before the learned Trial Court on the date (s) given in this regard.
 - f. It is clarified that the defendant and her husband would be entitled to only one effective opportunity in this regard.
10. Petition stands disposed of in aforesaid terms.
11. The pending application also stands disposed of in aforesaid terms.

(MANOJ JAIN)
JUDGE

APRIL 21, 2025/sw/pb