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

% ***Date of Decision: 26th May, 2025***

+ CM(M) 828/2025 & CM APPL. 26980-26981/2025

DR RITA BAKSHI

.....Petitioner

Through: Mr. Rakesh Malhotra, Mr. Bharat Malhotra and Mr. Kushal Malhotra, Advocates

versus

SEEMA BAJAJ

.....Respondent

Through: Mr. Raajan Chawla, Ms. Manika Jolly and Ms. Pallavi Yadav, Advocates

CORAM:

HON'BLE MR. JUSTICE MANOJ JAIN

J U D G M E N T (oral)

1. Petitioner has filed a suit seeking recovery.
2. Petitioner is a practising doctor and so is the respondent.
3. During pendency of the suit in question, petitioner choose to examine herself through her attorney and, *vide* order dated 25.04.2025, noticing that plaintiff has already been granted sufficient indulgence to lead her evidence, such request was disallowed while also observing that even *Special Power of Attorney*, allegedly executed in favour of such attorney, was unstamped.
4. It needs to be mentioned that when this matter was taken up by this Court on 05.05.2025, Mr. Rakesh Malhotra, learned counsel for petitioner, on instructions, submitted that plaintiff herself would enter into witness box and, therefore, notice was issued to respondent.
5. Learned counsel for respondent/defendant appears on such notice and though he opposes the petition in question, stating that the conduct of the



petitioner/plaintiff does not call for any interference, particularly, by invoking powers under Article 227 of the Constitution of India, he, in all fairness, leaves it to this Court to pass appropriate orders.

6. The next date before the learned Trial Court is stated to be 30th instant.

7. Keeping in mind the overall facts of the case, the present petition is disposed of with the permission to plaintiff Dr. Rita Bakshi to enter into witness box on said date of hearing before the learned Trial Court.

8. Learned Trial Court, depending on its board position, would be at liberty to examine the plaintiff on such date but in case it chooses to give another date for the aforesaid purpose, this Court expects that on such date, plaintiff would appear so that examination is recorded, without there being any further delay in the matter.

9. Simultaneously, for causing delay in the matter, plaintiff/petitioner herein is burdened with cost of Rs. 15,000/- which shall be payable to the defendant on 30.05.2025.

10. Petition stands disposed of in the aforesaid terms.

11. All the pending applications are also disposed of in the aforesaid terms.

MANOJ JAIN, J

MAY 26, 2025/dr/shs