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

% ***Date of Decision: 28th May, 2025***

+ CM(M) 1025/2025 & CM APPL. 33583-33584/2025

REKHA AJMANI

.....Petitioner

Through: Mr. Sunil Dalal, Senior Advocate with
Mr. Vikram Singh Dalal, Ms. Shipra
Bali and Mr. Pratham Chawla,
Advocates

versus

SUNITA JAIN

.....Respondent

Through: Mr. Ruchir Batra, Advocate (Through
VC)

CORAM:

HON'BLE MR. JUSTICE MANOJ JAIN

J U D G M E N T (oral)

1. Learned counsel for respondent/plaintiff appears on advance notice and has joined the proceedings through *videoconferencing*.
2. The point raised in the present petition is a very short one.
3. Petitioner herein is defending a suit for recovery and seeks one last opportunity to examine one witness in her defence.
4. Mr. Sunil Dalal, learned Senior Counsel for petitioner submits that affidavit of DW Mr. Shamit Ajmani (son of the defendant) has already been placed on record and advance copy thereof has already been duly supplied.
5. It is also submitted that for the reasons beyond control, the aforesaid witness could not appear before the learned Trial Court and since defendant has not examined any other witness, it will be travesty of justice if the case is, eventually, disposed of, without there being any evidence in defence from the side of the defendant.



6. Learned counsel for respondent/plaintiff, without prejudice to his rights and contentions, submits that though defendant does not deserve any further indulgence, he would have no objection if subject to imposition of exemplary cost, one last and final opportunity in this regard is granted to them.

7. Case is fixed today itself before the learned Trial Court.

8. After hearing learned counsel for both the sides and with their consent, the present petition is disposed of with direction that learned Trial Court shall give one last opportunity to defendant to examine Mr. Shamit Ajmani whose affidavit is already stated to be on record. Learned Trial Court would, after ascertaining the availability of the aforesaid witness and convenience of learned counsel for both the sides, would fix up a date for recording testimony of said witness. This Court expects that Mr. Shamit Ajmani also makes himself available on said date for deposition.

9. Simultaneously, for causing delay in the matter, the petitioner is burdened with cost of Rs. 25,000/- which shall be payable to plaintiff/ learned counsel for plaintiff on the date when the aforesaid witness is to be examined.

10. Present petition stands disposed of in the aforesaid terms.

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

12. A copy of this order be given *dasti* under the signatures of the Court Master.

(MANOJ JAIN)
JUDGE

MAY 28, 2025/dr/shs