



2026:DHC:1161



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

Date of Decision: 11th February, 2026

+ CM(M) 296/2026

SUNITA GHOSH

.....Petitioner

Through: Mr. Rishabh Bansal, DHCLSC with
Mr. Vinayak Goyal, Advocate.

versus

PREM CHAND CHAUHAN & ORS.

.....Respondent

Through: Mr. Vikas Manchanda, Mr. Saksham
Manchanda, Mr. Saad Iqbal, Ms. Riya
Nagar and Ms. Vaishali, Advocates
for R-1.

Mr. Siddharth Gupta, Standing
Counsel for MCD/R-3.

CORAM:

HON'BLE MR. JUSTICE RAJNEESH KUMAR GUPTA

ORDER (Oral)

Rajneesh Kumar Gupta, J.

1. This hearing has been conducted through hybrid mode.

CM APPL. 9347/2026 (for early hearing)

2. This is an application filed on behalf of the petitioner under Section 151 of the Code of Civil Procedure, 1908 seeking early hearing of the present petition.

3. Learned counsel for the respondent Nos. 1 and 3 have appeared on advance notice and accepted notice.

4. The present petition is taken up for hearing today with the consent of the learned counsels.



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5. The present petition has been filed by the petitioner under Article 227 of the Constitution of India, 1950 assailing the order dated 15th December, 2025 passed by the learned Trial Court in CS SCJ No. 1278/2018, whereby the evidence of the petitioner/defendant No.1 has been closed.

6. Heard. Record perused.

7. Learned counsel for the petitioner submits that the petitioner is required to examine two more witnesses, who are yet to be summoned. The evidence of petitioner/DW-1 was concluded on 20th November, 2025 and thereafter no sufficient opportunity was granted to the petitioner to complete her evidence and it caused grave prejudice to the case of the petitioner.

8. On the other hand, learned counsel for respondent Nos. 1 and 3 has argued that the petitioner was granted more than sufficient opportunities to lead her evidence and the petition has been moved only to delay the disposal of the case.

9. The relevant portion of the impugned order reads as under:

“...Again, adjournment sought on behalf of defendant no. 1 for DE and after being specifically asked, the proxy counsel appearing on behalf of defendant no. 1 has stated that as per the instructions received from the main counsel, the witness at serial no. 2 and 3 in the list of witness are to be examined. On being further inquired the counsel has failed to satisfy the court about the relevancy and purpose of the examination of the said witnesses.

Perusal of file further provides that matter is at the stage of DE for last more than three years and defendant no. 1/DW-1 was examined in chief on 03.11.2022 and thereafter several adjournments were sought on behalf of defendant no. 1 only and again on several dates defendant no. 1 had not appeared before the court and accordingly vide order dated 22.01.2025, DW-1 was



granted last opportunity for her evidence subject to imposition of cost. Even thereafter again adjournment was sought on behalf of defendant no. 1 on 22.04.2025 and again adjournment was sought on 10.10.2025. Vide last order dated 20.11.2025, defendant no. 1 was granted last opportunity for her remaining evidence, if any and despite that, neither affidavit of any other witness has been filed nor any application was moved for summoning of any witness. Even today, the counsel appearing on behalf of defendant no. 1 has failed to satisfy the court the relevancy and purpose of examination of other witnesses. The present matter is more than 07 years old.

Accordingly, in the given circumstances, DE on behalf of defendant no. 1 is hereby closed on court order.

Now, file be put up on 16.01.2026 at 11:30 Am for final arguments.”

10. The matter was fixed for the petitioner’s evidence for the first time on 03rd November, 2022, on which date the examination-in-chief of the petitioner/DW-1 was recorded. Thereafter, several adjournments were sought by the petitioner. It was only on 22nd January, 2025, after a period of about two (2) years, that the cross-examination of the petitioner/DW-1 was completed. During this period, the petitioner neither took any steps to file the affidavits of the remaining witnesses nor initiated the process for summoning them. Perusal of the impugned order reveals that sufficient opportunities were granted to the petitioner to complete her evidence; however, she failed to avail the same even after the last opportunity was granted.

11. Keeping in view these facts and circumstances of the case, this Court does not find any infirmity in the impugned order, as the same is a reasoned order passed in accordance with law to avoid unnecessary delay in the disposal of the case. Accordingly, the present petition is dismissed as being devoid of any merit. Pending application(s), if any, also stand disposed of.



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12. The next date already fixed i.e., 01st April, 2026 stands cancelled.

FEBRUARY 11, 2026/nd/isk

RAJNEESH KUMAR GUPTA, J