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

*Date of Decision: 12<sup>th</sup> February, 2026*

+ CM(M) 303/2026, CM APPL. 8196/2026, CM APPL. 8197/2026 & CM APPL. 8198/2026

KAPIL

.....Petitioner

Through: Mr. Arvind Vashishtha and Ms. Sakshi Panwar, Advocates.

versus

PAWAN KUMAR

.....Respondent

Through: None.

**CORAM:**

**HON'BLE MR. JUSTICE RAJNEESH KUMAR GUPTA**

**ORDER (Oral)**

**Rajneesh Kumar Gupta, J.**

1. This hearing has been conducted through hybrid mode.
2. The present petition has been filed under Article 227 of the Constitution of India, assailing the order dated 02<sup>nd</sup> April, 2025 passed by the learned Trial Court in *CS DJ ADJ 950/2018*, whereby the application filed by the petitioner/defendant for summoning a witness, namely-*Randhir* has been dismissed and evidence of the petitioner was closed.
3. Heard. Record perused.
4. Learned counsel for the petitioner has argued that the DW-*Randhir* is a material witness of the case and that if he is not examined, it would cause grave prejudice to the petitioner's case.
5. The relevant portion of the impugned order dated 02<sup>nd</sup> April, 2025 reads as follows:



*“Ld. counsel for defendant has prayed for disposal of application for summoning of witness i.e. Sh. Randhir.*

*The application is strongly opposed by Ld. counsel for plaintiff.*

*The perusal of record reveals that the issues in the present case were framed vide order dated 02.05.2019. The parties were required to file list of witnesses within the period of 15 days from the date of said order.*

*It is an admitted fact that the name of DW Sh. Randhir was not mentioned in the list of witnesses filed on behalf of defendant. The defendant alongwith the application for summoning of witnesses has filed the additional list of witnesses. The leave of this court is not sought to file the additional list of witnesses. Hence, **the additional list of witnesses filed on behalf of defendant is rejected.** In view of rejection of additional list of witnesses, the present application for summoning of witness Sh. Randhir has also become infructuous. Hence **dismissed.***

*No DW present. Last and final opportunity for DE was granted. Therefore, DE is closed.”*

6. A perusal of the record shows that last opportunity was granted to the petitioner to lead his evidence on 02<sup>nd</sup> April, 2025 and the application to summon the witness has been pressed only on that date. Issues in the present case were framed on 02<sup>nd</sup> May, 2019 and the list of witnesses was required to be filed within 15 days from the date of the said order. The name of the witness which was sought to be examined has not been named in the list of witnesses filed on behalf of the petitioner. The present petition has also been filed after about ten months from the date of the impugned order. From these facts and circumstances, it is evident that the petitioner wants only to delay the proceedings in the Trial Court. As the Trial Court has passed a reasoned order in accordance with law to avoid unnecessary delay in the proceedings,



2026:DHC:1208



so, this Court does not find any illegality or infirmity in the impugned order and is upheld. Accordingly, the petition is dismissed as being devoid of any merit. Pending application(s), if any, also stand disposed of.

**FEBRUARY 12, 2026/v/abk**

**RAJNEESH KUMAR GUPTA, J**