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

Date of Decision: 16th February, 2026

+ CM(M) 283/2026

SMT.ROOPWATI

.....Petitioner

Through: Mr. Abhay Kumar, Mr. Vijay Pratap
Singh and Mr. Shrikant Shukla,
Advocates.

versus

SH. GAJRAJ @ GAJJI AND ORS

.....Respondents

Through: Mr. Kabir Kr. Hazarika, Mr. Surender
Kumar, Mr. Abhay Singh, Mr. Anshul
B. and Mr. Mayank, Advocates.

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. 7787/2026 & CM APPL. 7788/2026 (for exemptions)

2. Allowed, subject to all just exceptions. The application stands disposed of.

CM(M) 283/2026 & CM APPL. 7789/2026

3. The present petition has been filed under Article 227 of the Constitution of India, assailing the order dated 08th December, 2025 passed by the learned Trial Court in *CS SCJ no. 478/2022*, whereby the evidence of the petitioner/plaintiff has been closed.

4. Learned Counsel for the respondents appears on advance notice and



accepts notice.

5. Heard. Record Perused.

6. Learned Counsel for the petitioner has argued that petitioner was unable to lead her evidence because of her age and medical condition. It is further argued that in case an opportunity to lead evidence is not granted, grave prejudice would be caused to the petitioner. It is submitted that only 02 (two) witnesses, including the petitioner herself, are required to be examined.

7. *Per contra*, learned Counsel for the respondents has argued that sufficient opportunities had been granted by the learned Trial Court to the petitioner to lead evidence. However, despite such opportunities, no evidence was led. It is further argued that the present petition has been filed only with a view to delay the proceedings and is liable to be dismissed.

8. Keeping in view the facts and circumstances of the case, this Court is of the opinion that it would be in the interest of justice that one more opportunity be granted to the petitioner to lead her evidence, as the respondents can be compensated by way of costs. Accordingly, one more opportunity is granted to the petitioner to lead the evidence of 02 (two) witnesses, including herself, subject to payment of costs of Rs.12,000/- (Rupees Twelve Thousand Only) to the respondents.

9. The petitioner shall file her evidence by way of affidavit before the learned Trial Court prior to the next date of hearing, with an advance copy to the opposite side.

10. It shall be open to the learned Trial Court to record the evidence of the petitioner on the date already fixed or on any other date convenient to the learned Trial Court.



2026:DHC:1322



11. Accordingly, the present petition is disposed of in the above-stated terms. Pending application(s), if any, also stand disposed of.

RAJNEESH KUMAR GUPTA, J

FEBRUARY 16, 2026/v/abk