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

Date of Decision: 20th January 2026

+ CM(M) 2134/2025

SMT PUSHPA JAIN AND ORS

.....Petitioners

Through: Mr. Suneet Nagpal, Mr. Aasheesh
Pandey and Mr. Sanchit Khanna,
Advocates through VC.

versus

RAMESH KUMAR JAIN

.....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 by the petitioners under Article 227 of Constitution of India, 1950, assailing the order dated 24th July, 2025 passed by the learned Trial Court in CIV DJ No. 9435/2016, whereby the evidence of the petitioner/defendant has been closed.
3. I have heard the learned Counsel for the petitioner and perused the record.
4. Learned Counsel for the petitioner has argued that the petitioner is a senior and widow lady and on account of this fact, the evidence could not be produced by her. It is further argued that denial of a further opportunity to lead evidence would cause serious prejudice to her defence.
5. The impugned order dated 24th July, 2025 is reproduced as under:



“Ld. Counsel for plaintiff submits that opportunity to the defendant was granted subject to costs vide order dated 05.07.2025, however, till date neither the earlier costs paid nor today the defendants are ready to make payment of costs.

Ld. Counsel for plaintiff vehemently submits that since the year 2011 the defendants have shown the same conduct seeking adjournment after adjournment without complying with the Court orders.

Record perused.

Order dated 05.07.2025 perused. Defendants are not ready to make payment of costs and the opportunity for defence evidence was granted only subject to costs of Rs. 20,000/- for each of the remaining witnesses. Earlier conduct of the defendant is also recorded in the previous ordersheets as well as the order sheet dated 05.07.2025. In such circumstance, due to the adamancy of the defendant in not complying with the Court orders, Court is constrained to close the opportunity granted by the Court on 05.07.2025. Hence, DE stands closed.”

6. The impugned order clearly reflects the conduct of the petitioner and it has caused delay in the disposal of the suit. The trial court has rightly closed the evidence of the petitioner with a reasoned order. This Court is also of the opinion that in such a case, the petitioner is not entitled for any relief under Article 227 of the Constitution of India, 1950.

7. Accordingly, the present petition is dismissed being devoid of any merits along with pending applications, if any.

RAJNEESH KUMAR GUPTA, J

JANUARY 20, 2026/MR/ik