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

Date of Decision: 26th February, 2026

+ CM(M) 447/2026

ASHOK ARORA

.....Petitioner

Through: Appearance not given.

versus

RAJENDER SINGH

.....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.

CM APPL. 13299/2026 (for exemption)

2. Allowed, subject to all just exceptions.

3. Accordingly, the present application is disposed of.

CM(M) 447/2026 & CM APPL. 13298/2026 (for stay)

4. The present petition has been filed by the petitioner/ defendant under Article 227 of the Constitution of India, 1950, assailing the order dated 12th February, 2026, passed by the trial court in SCJ No. 96365/2016, whereby the application seeking recall of the order dated 12th November, 2025 has been dismissed.

5. Heard. Record perused.

6. The Trial Court vide Order dated 12th November, 2025, has closed the right of the petitioner to lead his evidence. Learned Counsel for the petitioner



has argued that if the petitioner is not allowed to lead his defence evidence, serious prejudice would be caused to the defence of the petitioner. The petitioner could not lead his evidence on account of his old age and one more opportunity be granted to the petitioner to lead his evidence.

7. The order dated 12th November, 2025 reads as follows:

“Previous cost stands paid.

Matter is at the stage of DE.

Perusal of previous order sheets shows that matter is listed for DE since 02.11.2023. Thereafter the repeated adjournments had been sought by the defendant. Then the matter was even sent to mediation, which was received back with the report non starter. Thereafter again repeated adjournments were sought by the Ld. Counsel for defendant so much so that adjournment dated 09.04.2025 was allowed subject to the cost of Rs.2000/- to be paid to the plaintiff. Today, defendant has paid the cost of Rs.2000/- to the plaintiff. However, Ld. Counsel for defendant has also moved an application u/s 151 CPC seeking adjournment for today alleging that a revision petition has been filed and that wrong date of hearing was noted by the counsel for the defendant. However, Ld. Counsel for defendant also concedes that there is no stay on the matter.

Keeping in view the conduct of the defendant, the reasons stated for seeking adjournment are not found satisfactory and it is seen as yet another opportunity by the defendant to delay the trial. Accordingly, the application u/s 151 CPC filed by the defendant is dismissed.

Right of the defendant to lead DE is hereby closed.”

8. A perusal of the impugned order shows that the matter had been listed for defence evidence since 02nd November, 2023 and ample opportunities were granted to the petitioner to lead his evidence and even subject to payment of costs. Despite the same, the petitioner has failed to lead his



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defence evidence. The conduct of the petitioner clearly shows that the petitioner was not interested in leading his evidence and only wants to delay the trial. Accordingly, this Court does not find any infirmity in the order of the trial court closing the evidence of the petitioner and also in the impugned order as the trial court has passed a well-reasoned order.

9. Accordingly, the present petition is dismissed as being devoid of any merits. Pending application(s), if any, also stand disposed of.

RAJNEESH KUMAR GUPTA, J

FEBRUARY 26, 2026/MR/TP