



2026:DHC:670



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

Date of Decision : 28th January, 2026

+ CM(M) 209/2026 & CM APPL. 5588/2026 (for Stay)

SIDDHANTH MENDIRATTA

.....Petitioner

Through: Mr. Rajat Wadhwa, Mr. Sahil Kakkar,
Ms. Anshika Juneja and Ms. Saumitra
Shikhar, Advs.

versus

MADHU CHAWLA AND ANR

.....Respondents

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 petitioner under Article 227 of the Constitution of India, 1950, assailing the impugned order dated 01st December, 2025, passed by learned trial court in case bearing No. CS DJ ADJ 803/2019, whereby an application filed on behalf of the petitioner/defendant under Order XVIII Rule 17 read with Section 151 of the Code of Civil Procedure, 1908 for recalling DW-4 namely Sh. Madan Lal Gupta has been dismissed.
3. Heard. Record perused.
4. Learned counsel for the petitioner submits that the witness who was summoned by him to prove his case has turned hostile to his interest and his recalling for further examination is necessary to bring on record the relevant



facts which would enable the court to effectively decide the matter in controversy between the parties.

5. Perusal of the record shows that DW-4 was examined on 4th February, 2025 on behalf of the petitioner/defendant and was also cross-examined by the opposite party. The present petition has been moved at a stage when the matter had earlier been fixed for final arguments.

6. The relevant portion of the impugned order dated 01st December, 2025, is reproduced as under:

“

Application for recalling the witness.

There is an application for recalling of DW-4, Sh. Madan Lal Gupta, Notary Public. The application has been filed by the defendant.

It is claimed that the DW-4, during his evidence, has given vague, ambiguous and incomplete statement and has not clearly clarified whether the alleged rent agreement bears his signatures and seal on all the pages. He has not properly deposed regarding signatures made in the Notary register, including the signatures of plaintiff and defendant.

Record perused. Submission that the witness is material also considered.

The examination-in-chief of the said witness DW-4 was recorded by the counsel for the defendant. He has categorically stated that his signatures only appear on the last page of the document and the remaining pages do not bear his signatures as he only signs on the last page. No further questions were put to the said witness. Therefore, the claim in the application that the witness has not given clear answers on the said aspect is contrary to the categorical statement of the witness. The witness was examined-in-chief by the counsel for the defendant/applicant and then he was offered for cross examination. There is no scope of



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recalling the said witness at the behest of the defendant as it seems that the application has been filed with the sole aim of filling lacunae in the case of the defendant, which were exposed during final arguments.

The application is meritless and is, accordingly, dismissed.

Application is disposed off.”

7. Keeping in view the fact that DW-4 is a witness of the petitioner/defendant who had already been examined by the learned counsel on 4th February, 2025, and further considering the fact that the matter was listed for final arguments when the application was moved, this Court is of the view that the learned Trial Court has passed the impugned reasoned order in accordance with law. Therefore, this Court does not find any illegality or infirmity in the impugned order.

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

RAJNEESH KUMAR GUPTA, J

JANUARY 28, 2026/sds/isk