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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**  
+ CS(OS) 1591/2000, CCP(O)131/2000, CCP(O) 88/2014, CrI.M.A. 9721/2019 and IA Nos.12701/2013, 12704/2013, 4595/2014, 17497/2014, 25879/2014, 6638/2019, 6639/2019

(49) SUSHILA MALHOTRA AND ORS. .... Plaintiffs  
Through: Ms. Chahan Parwani and Ms. Kavita Vinayak, Advs.  
versus

R.K.MALHOTRA ..... Defendant  
Through: Mr. Kuljeet Rawal, Adv.

+ TEST.CAS. 47/2000 and IA Nos.20648/2022

(50) RAJ KUMAR MALHOTRA ..... Petitioner  
Through: Mr. Kuljeet Rawal, Adv.  
versus

STATE ..... Respondent  
Through: Ms. Chahan Parwani and Ms. Kavita Vinayak, Advs. for objectors.

**CORAM:**  
**HON'BLE MR. JUSTICE SACHIN DATTA**

**ORDER**  
% **17.01.2023**

**IA No.293/2023 in CS(OS) 1591/2000**

1. The present application has been filed seeking the following prayers:  
*“a) Pass appropriate orders, directing that the recording of evidence in the underlying proceedings, as well as in the connected proceedings, being Test Case No. 47/2000 – Raj Kumar Malhotra v. State and Test Case No. 111/2014 – Veena Rahan & Ors. v. State & Ors., be positively concluded within the next 6 months, as was the original mandate of the Ld. CC vide Order dated 01.11.2013, and has*



*been reiterated vide Orders dated 22.07.2016 and 28.01.2020. To make such directions effective, it is humbly prayed that this Hon'ble Court direct that:*

- i. The Petitioner in Test Case No. 47/2000 (Defendant herein) be granted one final opportunity to lead evidence of remaining formal witnesses, within an outer limit of one month, post which the Petitioner's evidence in the said case be deemed as closed.*
- ii. The Objectors in Test Case No. 47/2000 (Plaintiffs herein) be granted a period of two months thereafter for completion of their evidence.*
- iii. The Petitioner in Test Case No. 47/2000 (Defendant herein) be directed to complete cross examination of the Objector's witnesses within the specified time period, after which the recording of evidence in Test Case No. 47/2000 shall be deemed as completed.*
- iv. Thereafter, a period of three months be fixed for completion of evidence in Test Case No. 111/2014, whereafter the same shall be deemed as completed.*
- v. Evidence in the captioned suit be declared as complete.*
- vi. Day to day recording of evidence be directed to comply with the aforesaid schedule."*

2. Mr. Kuljeet Rawal, learned counsel for the non-applicant (Mr. R.K. Malhotra) appears and assures that an endeavour will be made to expeditiously complete the evidence of the remaining formal witnesses in TEST.CAS. 47/2000, within a period of two months from today.

3. Vide order dated 11.02.2015, in CS(OS)1591/2000 while appointing the Local Commissioner, it was specifically directed by this court as under:

*"5. List before the Local Commissioner on 19.02.2015 at 3.00 p.m., who will fix the dates for further cross examination of PW1. Local Commissioner is requested to record the hearing as directed by the Division Bench at least 3 to 5 hearings in a month."*

4. It is unfortunate that despite several years having passed, the recording of evidence is not yet over. The Local Commissioner is requested



to bestow adequate attention and time to ensure that at least 3 to 5 sittings in a month (if not more), are fixed for recording of evidence.

5. The respective counsel for the parties undertake not to seek any further adjournment in this matter.

6. List for directions on 24.02.2023.

7. Let a copy of this order be communicated to Mr. R.K Sharma, former Additional & Sessions Judge, the concerned Local Commissioner.

**SACHIN DATTA, J**

**JANUARY 17, 2023/cl**