

DHARMA SINGH Vs. SHEO SHANKAR PARSHAD

15.05.2025

Present : Sh. Ishwender Verma and Ms. Shivali, Ld. counsels for the plaintiff through VC.

Sh. Brij Pal Singh, Ld. counsel for the defendant.

Sh. Sheo Shankar Parshad appeared through VC.

Order on Application under Order XVI Rule 1 read with Section 151 CPC filed by the Defendant for Summoning of Officials from EDMC and DDA:

Learned counsel for the plaintiff submits that they do not wish to file any reply to the defendant's application seeking summoning of witnesses. They are ready to proceed directly with arguments on the said application.

Through the present application, the defendant seeks to summon concerned officials from the East Delhi Municipal Corporation (EDMC) and the Delhi Development Authority (DDA) to establish that the plaintiff is not the owner of the suit property. It is submitted on behalf of the defendant that the examination of these officials is essential for substantiating the defendant's case.

Per contra, learned counsel for the plaintiff argues that the testimony of the proposed witnesses is irrelevant and that the application is merely a tactic to delay the proceedings.

I have heard the arguments advanced by both parties, perused the record carefully, and considered the applicable legal provisions and precedents.

It is observed that there has been an inordinate delay in filing the present application. Issues in the matter were framed on 15.03.2016. The plaintiff's evidence was concluded on 30.11.2019. Thereafter, the matter was

listed for defendant's evidence (DE). However, the present application was filed only on 03.02.2025, and no evidence has been led by the defendant till date. Notably, the defendant has not even examined himself as a witness. No cogent ground has been shown to condone the delay in filing this application.

In view of the foregoing, the application is accordingly dismissed.

Application is disposed of.

Learned counsel for the defendant now seeks adjournment for leading defendant's evidence on the ground of illness of the defendant/witness.

This request is strongly opposed by learned counsel for the plaintiff.

The defendant appeared via video conferencing and made some statements; however, the same were not clearly intelligible. No medical certificate or supporting document has been placed on record to substantiate the plea of illness.

It is pertinent to reiterate that issues were framed on 15.03.2016, the plaintiff's evidence concluded on 30.11.2019, and the matter has since been pending for defendant's evidence. Despite repeated opportunities, no steps have been taken by the defendant to lead evidence. Even the cost imposed on the last date of hearing remains unpaid.

Given these circumstances, and in the absence of any justifiable cause for further delay, no further opportunity can be granted.

Defendant's evidence is hereby closed.

Put up for Final Arguments on **01.07.2025**.

(Vikas Garg)
DJ-05/East/KKD
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