

21.08.2024

Present : Sh. Paramjeet Singh, Ld. Counsel for the plaintiff
with plaintiff.
Sh. Unais, Sh. D.D. Sharma and Ms. Isba, Ld.
Counsel for the all defendant alongwith LR of
defendant no.1/Sh. Kuldeep Singh in person.

1. An application under Section 151 CPC on behalf of defendants to examine Sh. Kuldeep Singh, son of defendant no. 1 in place of defendants. Copy already supplied.
2. Ld. Counsel for the plaintiff submits that the aforesaid application is not maintainable as having been filed under the wrong provision.
3. Ld. Counsel for th defendants submits that the said application be treated as application under Order XVI of CPC for filing of amended list of witnesses by including name of Sh. Kuldeep Singh as defendant's witness and allowing Sh. Kuldeep Singh to depose as defendant's witness.
4. In view of submissions of Ld. Counsel for the defendants, the instant application is treated as application under Order XVI of CPC.
5. It is stated by Ld. Counsel for the defendants that he does not wish to examine witnesses mentioned at Sr. no. 1/Sh.

Gurbachan Singh and 2/Sh. Chand Singh in the list of witnesses as they are more than 70 years old and facing hardship in understanding things properly because of their poor health; that defendants are seeking permission from the court to examine the son of defendant no.1 namely Sh. Kuldeep Singh in place of defendants; that the Sh. Kuldeep Singh, son of defendant no.1 is well aware with the present case; that if the opportunity has been granted to defendants to examine the son of defendant no.1/Sh. Kuldeep Singh as witness, no harm will be caused to the plaintiff. It is prayed that the present application may be allowed.

6. Ld. Counsel for the plaintiff submits that he has no objection if the said application is allowed.

7. In view of the no objection of Ld. Counsel for the plaintiff and in the interest of justice, the present application stands allowed and Sh. Kuldeep Singh is permitted to depose as defendant's witness.

8. Defendant no. 1 and 2 are directed to file amended list of witnesses alongwith evidence by way of affidavit of Sh. Kuldeep Singh before the NDOH with advance copy to the opposite party.

9. Put up for DE on **07.09.2024**.

(SOMITRA KUMAR)
DJ-06,EAST/ KKD COURTS
DELHI/21.08.2024 (s)