

03.05.2025

Present: Shri Rohit Sain, Id. Counsel for plaintiff.
Shri Deepak Arora, Id. Counsel for defendant.

An application u/s 5 of the Limitation Act r/w Section 151 CPC for condonation of delay for late filing the list of witnesses is filed on behalf of plaintiff. Copy supplied.

Heard on the application.

Order on IA u/s 5 of the Limitation Act r/w Section 151 CPC.

It is submitted that inadvertently the list of witnesses could not be filed within time and now the plaintiff wants to file the list of witnesses before the court. It is further submitted that examination of witnesses mentioned at Sr. No. 1 & 2 of list of witnesses have already been examined. It is further submitted that non filing of list of witnesses within time was neither deliberate nor intentional. It is further submitted that plaintiff shall suffer irreparable loss and injury if the present application is not allowed.

Ld. Counsel for defendant submits that he does not wish to file reply to the same and will straightaway argue on the same. Ld. Counsel has vehemently opposed the present application and stated that same has been filed by the plaintiff belatedly. Ld. Counsel prayed for dismissal of the same.

Heard. Record is perused and considered.

Plaintiff has filed the present suit for possession, declaration and permanent injunction against the defendant. Matter is at the stage of PE and plaintiff examined PW1 and PW2. No prejudice would be caused

if the present application is allowed and list of witnesses is taken on record as defendant has ample opportunity to cross examine the plaintiff's witnesses during evidence. In view of submissions made by Id. Counsels for parties as well as facts and circumstances of the present case, the present application is allowed.

List of witnesses is taken on record.

Let summons be issue to witnesses as mentioned at Sr. No. C and D in the list of witnesses upon PF for NDOH.

Put up for PE on 23.05.2025.

(Pooja Jain)
District Judge-03/NB
East/KKD Courts/Delhi
03.05.2025