

11.07.2025

Present : Sh. Naveen Singhla, Ld. Counsel for the plaintiff
with plaintiff.

Sh. Mohit Bhardwaj, Ld. counsel for the
defendant no. 1 (through VC).

Defendant no. 2 is ex-parte.

Matter is fixed for filing of appropriate application
on behalf of the plaintiff / disposal of application under Section
39 of BSA r/w Section 151 CPC / remaining PE.

After LDOH, an application under Section 5 of
Limitation Act r/w Section 151 CPC for condonation of delay in
filing the list of witness filed on behalf of the plaintiff on
09.07.2025. Copy already supplied.

Ld. Counsel for the defendant no.1 submits that he
does not wish to file reply to the application under Section 5 of
Limitation Act r/w Section 151 CPC for condonation of delay in
filing list of witness and will argue straightway.

Arguments heard.

It is submitted on behalf of the plaintiff that
inadvertently, list of witnesses could not be filed within time and
now he wants to file the same; that examination of witnesses
mentioned in the list of witnesses is necessary to bring the true

picture into light ; that witness mentioned at Sr. No. 1 and 2 of list of witnesses have already been examined ; that non-filing of list of witnesses was neither deliberate nor intentional; that if the present application is not allowed, plaintiff shall suffer irreparable loss and injury, therefore, it is prayed that the same may be allowed.

Ld. Counsel for the defendant opposes the present application stating that the same was not filed within stipulated time, therefore, it is prayed that the same may be dismissed.

Submissions heard. Record perused.

In view of submissions as well as in view of facts that witnesses as mentioned in the list of witness except handwriting expert are formal witness, therefore, in the interest of justice, the present application stands allowed, subject to cost of Rs. 1000/- to be paid to the defendant and delay is condoned. List of witnesses filed on behalf of plaintiff is taken on record.

Let witnesses mentioned in para no. 2(a) to 2(g) be summoned on filing of PF alongwith relevant record for the next date of hearing. Steps be taken within a week.

Diet money be paid to the witness on the spot.

Ld. Counsel for the defendant no.1 submits that he does not wish to file reply to the application under Section 39 of BSA r/w Section 151 CPC and will argue straightway.

Arguments heard on application under Section 39 of BSA r/w Section 151 CPC.

Put up for the remaining PE as well as order on application under Section 39 of BSA r/w Section 151 CPC on 20.08.2025.

(SOMITRA KUMAR)
DJ-06,EAST/ KKD COURTS
DELHI/11.07.2025 (s)