

**IN THE COURT OF MS. MEENU KAUSHIK: DISTRICT
JUDGE – 03: NEW DELHI DISTRICT: PATIALA HOUSE
COURTS : NEW DELHI**

CS 58586/2016

Ramma Dhawan

Versus

Naresh Kumar & Anr.

17.03.2026 (At 4.00 PM)

1 By way of this order, I shall dispose of the application moved on behalf of plaintiff u/O 16 Rule 1 and 2 of CPC for summoning the witnesses.

2 Arguments on the application have already been heard.

3 It is submitted by Ld. counsel for plaintiff that present suit is filed by the plaintiff with respect to Industrial Shed No. B 62/2 Naraina Industrial Area which was originally booked in the name of Dhavan Optical Industries. Dhavan Optical Industry went in arbitration vide arbitration agreement dated 01.08.1967 and the award was passed on 15.09.1969. The said arbitration award was made rule of law vide judgment dated 14.09.1973 and it was confirmed by the mother of the defendant no.1 Smt. Bhagwan Devi, who succeed the interest in Dhavan Optical Industries after dissolution of the Joint Hindu Family (HUF) by arbitration award and subsequent rule of court dated 14.09.1973. It is further stated that defendant No.1 contrary to the documents filed along with written statement, made representation to DDA vide letter dated 29.03.2001 and represented himself as sole proprietor of Dhavan Optical Industries. It is further argued that defendant No.1 has deliberately not placed on record the relevant documents as were

submitted before the DDA and hence, now the DDA holds the other rights apart from the lease in the suit property to which defendant No.1 along with his associates played fraud with the DDA by making false incorrect representation contrary to the deed of agreement dated 11.02.1974 and has also made false representation of succession upon the demise of Smt. Bhagwan Devi which was contrary to the facts and record available to the DDA and hence the complete record of allotment, deposit of consideration and substitution is required to be produced before this court while adjudicating the rights of the plaintiff in the suit property. As per Ld. counsel for plaintiff, present application is moved upon closure of defendant's evidence for summoning the witness from DDA to prove the documents put to the witness during cross examination which were allegedly denied by the said witness and the said documents are available in the allotment file with the DDA.

4 Application is highly opposed by Ld. counsel for defendant No.1. It is submitted by Ld. counsel for defendant No.1 that application with similar relief has already been disposed of as not allowed vide order dated 28.10.2025 and 21.01.2026. It is further submitted that plaintiff is deliberately playing tactics to delay the matter and he cannot seek similar relief again and again which has already been denied by this court.

5 Submissions made on behalf of both the parties are taken into consideration. Record Perused.

6 Vide order dated 28.10.2025 application moved on behalf of plaintiff u/O 7 Rule 14 of CPC seeking permission to place on record similar documents was disposed of as not allowed. Thereafter, one another application u/S 151 of CPC for

summoning record from the office of DDA seeking similar documents was moved which was disposed of as not allowed. Now the present application for summing the witnesses from the DDA with similar records for which one application has already been disposed of as not allowed is moved. Considering the fact that earlier also application for summoning the similar record from the DDA office has already been disposed of as not allowed, present application under different provision cannot be allowed as the same would amount to the recalling of the previous order without any legal justification. Hence, the present application is disposed of as not allowed.

(Meenu Kaushik)
District Judge-03
Patiala House Courts, New Delhi
17.03.2026