

CS 111/21  
SATYAPAL SINGH Vs. NARENDER NEGI

11.09.2025

Present: Ld. Proxy Counsel for plaintiff.  
Sh. Guarav Vashisht, Ld. Counsel for defendant.

DW-2 Smt. Usha Negi examined in chief and her cross-examination is deferred at the request of plaintiff as his Counsel is not available at this time. A request for passover till 12:30 PM was made claiming that his Counsel is busy in some other Court. I may note that on each date when any defence witness appears, a request for adjournment is made on behalf of plaintiff due to non-availability of plaintiff's Counsel.

In this regard, reference can be had to order dated 03.05.2025, 24.05.2025 and 14.08.2025.

Considering the above, matter is adjourned with only one opportunity granted to plaintiff's Counsel to cross-examine DW-2 subject to cost of Rs. 10,000/- to be paid to DW-2.

At this stage, Counsel for defendant has moved an application seeking summoning of a Notary Public namely Lal Bihari Mishra to prove certain documents forming part of record dated 28.05.2010 (claimed to have been attested by the said Notary Public). Copy supplied.

Heard on the application. Proxy Counsel for plaintiff strongly opposes the application on the ground that the name of the said witness does not find mention in the list of witnesses filed by the defendant and therefore, the witness cannot be summoned.

Perusal of record would show that defendant has set up a case that his wife has purchased the suit property from the plaintiff

and to prove the said fact, he has already led in evidence certain document Ex. DW1/C (colly) dated 28.05.2010 and now, the witness is sought to be summoned to prove the factum of attestation of the said documents by the concerned Notary Public. Even though, there is some delay in seeking summoning of the aforesaid witness, but, it would not prejudice the case of the plaintiff in as much as the witness sought to be summoned is a Notary Public and would essentially bring the factum of attestation, if any, done by the said witness. In such circumstances, the present application is liable to be allowed as this would be essential to the just and fair decision of the present matter. Accordingly, the application is allowed. Let summons be sent to the said witness alongwith copy of the present application with direction to produce the relevant record. Diet money to be paid at the spot. Let PF be filed.

List on 05.12.2025 and 06.12.2025.

Aashish Gupta  
DJ-01/NE/KKD/DELHI  
11.09.2025