

10.01.2023

Present: Sh. Dilshad Ali, learned counsel for plaintiff alongwith plaintiff in person.  
Sh. Mohd. Rafi, and Sh. Harish Chandra, learned counsels for defendant no.1, 4, 6 and 7 alongwith defendant no.1 and 6 in person.  
None for remaining defendants.

Matter is fixed for PE.

List of witnesses on behalf of plaintiff filed. Copy supplied.

The judgments delivered by Hon'ble Apex Court titled as ***Lalitha J. Rai vs. Aithappa Rai, 1995, AIR 1984 and Vidhyadhar vs. Manik Rao & Anr.*** in unmistakeable term show that even in a case where a party has not filed list of witnesses within 15 days from the date of settlement of issues as envisaged under sub Rule (1) of Rule 1, order XVI CPC, such party can make an application under sub Rule (3) of Rule 1 for permission of the Court to summon any witness and examine in support of his case.

In view of the above judgments and in the interest of justice, the list of witnesses filed on behalf of plaintiff is taken on record.

Evidentiary affidavit of PW-1 tendered in evidence, his cross-examination is deferred on the request of learned counsel for defendant no.1,4, 6 and 7.

Plaintiff is directed to file evidentiary affidavit of remaining witnesses as well with an advance copy to the opposite party against receiving.

List for cross-examination of PW-1 on **16.03.2023**.

MONA TARDI KERKETTA  
ADJ-01/NE/KKD/DELHI  
10.01.2023 pk