

14 CS 327/18

GEETA VERMA Vs. VIRENDER KUMAR VERMA

16.12.2025

Present: Sh. S.K. Verma and Ms. Pooja Chadda, Ld. Counsel for plaintiff alongwith plaintiff Ms. Geeta Verma.
Sh Hardwari Lal, Ld. Counsel for defendant no. 1 to 3.
Ms. Priyanka Agarwal and Ms. Garima , Ld. Counsel for defendant no. 4 alongwith LRs of defendant no. 4.
Sh.Pradeep Arora, Ld. Counsel for Defendant no. 5.

1. Reply to defendant no. 1 to 3's application under Section 151 CPC filed by plaintiff as well as by defendant no. 4. Copy supplied.
2. One of the LRs of D-4 namely Rishabh Verma has filed an SPA in favour of another LRs of Defendant no. 4 namely Anish Verma. Copy supplied.
3. **PW-1 Ms. Geeta Verma**, examined, cross-examined by all the defendants and discharged.
4. The plaintiff has moved an application under Order 16 r/w Section 151 CPC. With the said application, plaintiff has filed some documents and a separate list of witnesses.
5. Copy supplied.
6. With the consent of the parties, the said application of the plaintiff is taken up for arguments.
7. Plaintiff wants summoning of one Kedar Nath Yadav and record from the office of BSES and Delhi Jal Board with respect to certain electricity connections and water connections (as detailed in para 10 and 11 of the application).
8. With respect to summoning of Kedar Nath Yadav, it is submitted that this witness shall prove some written statement

filed by him in a separate suit bearing CS No. 01/20 (already dismissed as withdrawn on 28.07.2023).

9. It is not disputed before this Court that the said written statement of Mr. Kedar Nath Yadav is not on record in this case.
10. Counsel argued that he has filed certified copy of the said written statement with the present application and therefore, the said witness should be called.
11. Once, it is admitted that the document sought to be proved by calling Mr. Kedar Nath Yadav does not form part of this suit, the said witness cannot be summoned only because applicant has not filed certified copy of the document with the application.
12. Thus, no ground is made out to summon Mr. Kedar Nath Yadav.
13. With regard to summoning of the official (with record) from BSES and Delhi Jal Board, again the documents sought to be proved from them are not part of record in this case.
14. It was argued on behalf of plaintiff that through the record to be produced by officials of BSES and Delhi Jal Board, plaintiff shall prove that suit property A-201 (one of the three suit properties involved in this case) was the joint property of plaintiff's parents and not the sole property of plaintiff's mother.
15. Suffice is to say that if plaintiff deemed it necessary that the record in possession of BSES/Delhi Jal Board is necessary to prove her case, she should have caused discovery of the said record at an appropriate stage. Matter is at the fag end of the trial with all the defendants already concluding their evidence and plaintiff herself already stands examined.
16. Plaintiff did not cause any discovery of any record till date.

17. This matter is pending in this Court since 2018 and till now, no attempt was made by the plaintiff to seek any discovery of such documents. It appears that plaintiff is not sure about the documents which may be in possession of BSES and Delhi Jal Board. The application is in the nature of a roving enquiry, where the plaintiff does not specify as to the nature of the record which may be in possession of the said officials and only wants to fish about the same.
18. In my humble opinion, only for the purposes of roving enquiry record from BSES or DJB cannot be summoned. Before any summons can be entertained from plaintiff, plaintiff should specify the nature of documents sought and the reasons thereof.
19. In the present application, no reasons or the nature of the document sought is specified and thus, no ground to summon any record from the DJB or BSES is made out.
20. Thus, the present application is dismissed.
21. At this stage, Ld. Counsel for plaintiff submits that he has also filed a list of witnesses with his present application and now, this Court should summon D-2 and D-3 as plaintiff's witnesses.
22. The said prayer is made with the contention that D-2 had given in writing to some unspecified medical institution in 2015 that his father had suffered a brain stroke.
23. Plaintiff wants to prove this fact by calling D-2.
24. For D-3, it is submitted by counsel for plaintiff that this witness, if summoned, shall be asked some questions which may then put up a question mark on the alleged Will being set up by D-1 to D-2 in this case.
25. In my humble opinion, neither D-2 nor D-3 can be summoned for the aforesaid reasons, as plaintiff's witnesses.

26. The documents sought to be put to D-2 are not part of record. Thus, the medical documents, where D-2 purportedly claims that his father had suffered a brain stroke are not on record and therefore he cannot be summoned on the asking of plaintiff.
27. Again, the reason assigned for seeking summoning of D-3 is essentially a roving enquiry, which cannot form the basis of summoning any person.
28. Considering the above, **request to summons D-2 and D-3 as plaintiff's witnesses is declined. Accordingly, application stands disposed of.**
29. At this stage, Ld. Counsel for plaintiff submits that plaintiff does not wish to examine any other witness. Thus PE stands closed.
30. **Date of 18.12.2025 is cancelled.**
31. Defence evidence already led and thus matter is arrived for final arguments.
32. List for final arguments on **23.01.2026 at 12:30 PM.**

Aashish Gupta
DJ-01/NE/KKD/DELHI
16.12.2025