

CS 327/18

GEETA VERMA Vs. VIRENDER KUMAR VERMA

23.01.2026

Present: Mr. S.K. Verma and Ms. Pooja Chadha, Ld. Counsel for plaintiff.
Mr. Hardwari Lal, Ld. Counsel for D-1 to 3.
Ms. Priyanka Agarwal, Ld. LAC for LR's of D-4 with Advocates Km Namrata and Mr. Nitin Goyal.
Mr. Ram Pal Singh, Ld. Counsel for D-5 through V.C.

1. Matter is listed for final arguments today.
2. Plaintiff has moved an application U/S 151 CPC seeking modification of order dated 16.12.2025. In the said application, plaintiff has averred as follows:

"2. That on 16-12-2025 this HON'BLE court was pleased to dismiss the application U/O 16 R/W SECTION 151 CPC for summoning the witnesses as per list of witnesses on behalf of the ptiff by adding the para no. 29 in the said order.

3. That it is quite clear from the said order that the para no. 29 in the said order dt. 16-12-2205 inadvertently has been pasted otherwise no submission as stated in para no.29 of the said order dt. 16-12-2025 was submitted by the counsel for the ptiff

4. That the contents of para no. 29 in the said order is curtailing the liberty related to legal rights of the ptiff for the better adjudication of the present case."

3. As per plaintiff, this Court has purportedly added para 29 in its order dated 16.12.2025 by pasting it from some place. A perusal of order dated 16.12.2025 would show that the said order was passed in the presence of Counsel for plaintiff, plaintiff and other parties. The tenor of the application suggests that plaintiff presumes that this court has taken some template and pasted a para in between.

4. The para 29 claimed to have been pasted by this Court in its order dated 16.12.2025 reads as under:-

"29. At this stage, Ld. Counsel for plaintiff submits that plaintiff does not wish to examine any other witness. Thus PE stands closed. "

5. A bare perusal of the above would show that it was on the specific submission of Counsel for plaintiff that the right of plaintiff to lead evidence was closed and now a false claim has been made by Counsel for plaintiff that he never made any such submission.

6. I place on record my strong displeasure at the tenor of this application. In case any wrong fact was recorded in the order dated 16.12.2025, Counsel should have pointed out the same there and then as the order was passed in the presence of Counsel for plaintiff. Even otherwise, the order was eventually uploaded on the website soon thereafter and the present application has been moved only on 21.01.2026. If there was any alleged mistake in the order dated 16.12.2025, the application seeking modification should have been moved soon after. It appears that only because plaintiff wants her evidence to be reopened, false facts are being imputed to the Court. I have laboured to record the above only to put the record straight.

7. I may note that there is no affidavit accompanying the application given by Counsel for plaintiff. This was necessary because if as per Counsel for plaintiff, he never submitted

before the Court that his evidence be closed, he should have said so on an affidavit.

8. Even though I am inclined to initiate appropriate legal proceedings against the plaintiff, still considering her social background and only to show judicial restraint, no such proceedings are being ordered.
9. In my humble opinion, there is no error apparent on the face of record in the order dated 16.12.2025 including in para 29. Thus, the application is misconceived. It is dismissed.
10. Plaintiff has moved another application U/O XXVI Rule 10A read with Section 45 of Indian Evidence Act, 1872.
11. Pertinently, plaintiff has only served this application to D-1 to D-3 and has not served a copy thereof to D-4 and D-5. When this question was put to the Counsel for plaintiff, he did not give any cogent answer and claims "it happened by chance".
12. Reply of the aforesaid application filed by D-1 to D-3. Copy supplied.
13. Arguments on the said application heard. Record perused.
14. At the outset I may note that the matter is today listed for final arguments and now, plaintiff has come up with the present application claiming that she disputes the signatures of testator namely Gulbadan Devi on her Will Ex. DW1/1. Applicant wants that in order to ascertain "***age of the testator on the basis of her alleged signatures, signature of another witness Kedarnath (attesting witness of the said Will), age of the used ink and age of the Will***", the said Will Ex. DW1/1 be sent for FSL examination.

15. Application is strongly opposed by the respective Counsels for the defendants.
16. Counsel for D-4 and D-5 argued that only to delay the matter, plaintiff has intentionally not supplied copy of the application. It was only during the dictation of the order that Counsel for plaintiff bothered to supply the copy of application to D-4 and D-5.
17. All the Counsels for the defendants submit that there is no pleadings laid by plaintiff disputing the Will in question. They point out that D-1 to D-3 had filed Ex. DW1/1 (Will in question of Gulabadan Devi) in 2018 itself. They also point out that the factum of existence of the said Will was in the notice of the plaintiff even prior to the filing of the present suit. It is argued that once plaintiff has not filed any pleadings disputing the Will in question, where is the question of sending the said Will for FSL examination. Thus, they pray for dismissal of application.
18. During course of hearing, an argument was raised by Counsel for plaintiff that a separate suit was litigated between the parties in a separate Court and pleadings of the said case (especially the pleadings filed by attesting witness Kedarnath in the said suit) should be sent for FSL examination for comparing it with the Will. On Court query, Counsel for plaintiff claimed that even though the pleadings of that separate litigation were not brought on record by the parties in this case, still, the Court should exercise its power to summon the said record and then order for FSL examination.
19. It is a fantastic plea taken by Counsel for plaintiff. At the outset, I may note that there is no reference or any prayer made

in the present application for summoning of any record of a different litigation between the parties before this Court so as to allow comparison of signatures in the said pleadings of Kedarnath or any other person with signatures on the aforesaid Will Ex.DW1/1. Thus, once there is no such prayer made in the application, no such plea of plaintiff can be entertained.

20. Even otherwise, once plaintiff himself has not placed on record any pleadings of a separate litigation and no such plea is made in the pleadings before this Court or otherwise, where is the question of acceding to the request of plaintiff at the stage of final arguments.

21. Again, despite specific query of this Court to show from the record as to where the plaintiff has disputed the Will Ex. DW1/1, nothing was brought to my notice by Counsel for plaintiff. This means that there are no pleadings laid by plaintiff disputing the aforesaid Will and thus, no evidence can be allowed to be led on record for which no ground is laid in the pleadings of the parties.

22. It appears that only to delay adjudication of the present case, plaintiff has come up with her application at the stage of final arguments. This conduct of the plaintiff is also evident from the fact that she deliberately chose not to supply advance copy of present application to D-4 and D-5.

23. Considering the above, the present application is dismissed with cost of Rs. 20,000/- to be paid equally to each of the defendants herein.

24. Request of Counsel for plaintiff to give a date for final arguments is declined considering the fact that this is one of the oldest matter pending adjudication in this Court.
25. Counsel for plaintiff has refused to address final arguments. A Court can only give an opportunity to a party for addressing arguments and it is for the party to avail or refuse to avail the said opportunity. Thus, the right of plaintiff to address oral arguments is closed.
26. Arguments on behalf of defendants heard.
27. Matter is reserved for orders with liberty to the parties to file written arguments not extending more than 5 pages, at least 5 days before the next date of hearing.
28. List on 10.02.2026.

Aashish Gupta
DJ-01/NE/KKD/DELHI
23.01.2026