

3 CS DJ 484/2015 58860/16
MURTI DEVI Vs. GANGA DEVI AND ORS.

28.07.2025.

Present : Sh. S.K. Raghav, Ld. Counsel for the plaintiff along with
Sh. Uttam Singh, son of the plaintiff.
Sh. J.K. Sharma, Ld. Counsel for the defendant no.2 along
with defendant no.2.
Sh. Ashu Bhatia, Ld. Counsel for the defendant No.3.

The matter is listed for PE. An application U/o 3 Rule 1 & 2 r/w Section 151 CPC is filed on behalf of the defendant no.3 wherein it is prayed that plaintiff be directed to appear in person before the Court and not to allow leading of evidence in place of plaintiff by power of attorney holder Uttam Singh; or in alternatively, her name be struck off from the affidavit.

It is the prerogative of the parties to produce their evidence and to get them examined. Any of the party cannot be forced by the Court to enter into witness-box. In case of omission on the part of party to enter into witness-box, consequences as per law ensue.

During course of arguments, Ld. Counsel for the defendant No.3 also submits that he is not pressing upon his application to the extent to direct to plaintiff to appear in person. Hence, considering this factum and also the fact that none of the para or averment which could not be within personal knowledge of present witness Uttam Singh, has been indicated, this Court is of the view that examination of Uttam Singh cannot be dis-allowed. Accordingly, the abovesaid application U/o 3 Rule 1 & 2 r/w Section 151 CPC, filed on behalf of the defendant no.3, is dismissed.

Now put up for PE for 17.11.2025.

(Aanchal)
District Judge-03, Rohini Courts
North District, Delhi
28.07.2025(RJP)