

CS 235/17

NITIN KUMAR SHARMA Vs. AJAY GOYAL AND ANR.

17.05.2025

Present : Sh. Shubhneet Gupta, Ld. Counsel for the plaintiff
alongwith plaintiff.
Sh. Sanjeev Bhardwaj, Ld. Counsel for the
defendants alongwith defendants.

The matter is listed for final arguments.

Ld. Counsel for plaintiff submits that an application
filed by him for summoning of witness is still pending for
disposal.

Heard on the application.

Though an application dated 23.02.2024 titled as
“Application for summoning of witness on behalf of defendant”,
which is purportedly signed by plaintiff/defendant in counter
claim is found placed on record, however, it does not form the
part of the record since neither on the application, there is any
endorsement nor there is mention in the ordersheets pertaining to
filing of the said application. However, the ordersheet dated
17.01.2025 mentions about the pressing of application moved
earlier for summoning of witnesses on behalf of defendant.

In view of the same, the application is entertained
for hearing.

At the outset, the title of the application is incorrect
since the application has been filed on behalf of the plaintiff
whereas as per the title, the application is of the defendant.
Furthermore, it is revealed that PE has already been closed vide

order dated 21.01.2023 and the matter was at the stage of DE when the application was filed. The application also does not explain reason for filing of the application at the stage of DE. The application filed on behalf of plaintiff when the matter was at the stage of DE is not maintainable. Hence, the application is dismissed and disposed off accordingly.

Ld. Counsel for plaintiff submits that he wishes to file an appropriate application for adducing the evidence in rebuttal since the DE has already been closed.

In the ends of justice, the plaintiff is granted one week time to take appropriate steps as prayed by him.

Put up for further proceedings on **11.07.2025**.

(SUKHVINDER KAUR)
Principal District & Sessions Judge
Shahdara, KKD Courts, Delhi/17.05.2025