

17 CS 2473/16

PUSHPA KHATTAR VS. ANJU BATRA AND ORS.

30.07.2025

Present: Sh. D Subhash Chandra and Sh. Utsav Singh, Id. Counsel for plaintiff.
Sh. Shyam Kumar, Id. Counsel for defendant no. 1.
Sh. Manish Kumar, Id. Counsel for defendant no. 2 (through VC).

Matter is listed today for arguments on application of defendant no. 1 for additional evidence of Sh. Rajneesh Kumar.

Counsel for defendant no. 1 submits that inadvertently, earlier list of witnesses was not filed by defendant no. 1. Ld. Counsel further submits that the proposed additional witness is the husband of defendant no. 1. Ld. Counsel further submits that in para 4 of reply on merits of the WS of defendant no. 1, it has been averred that it was the husband of defendant no. 1 who was dealing with the plaintiff and have taken a loan of Rs.10 lakhs from the plaintiff and GPA in question was executed as security. Ld. counsel further submits that except the above witness, no further witness is required to be examined by defendant no. 1.

Counsel for the plaintiff has opposed the application and submits that the defendant no. 1 is trying to fill up the lacunae of her case as the instant application has been moved to lead additional evidence after the cross-examination of DW1 / defendant no. 1.

During the course of submissions, Counsel for the plaintiff submits that application may be allowed with cost, however, his objections may be considered at the time of final arguments.

Arguments heard. Record perused.

Perusal of record shows that the WS of defendant no. 1 contains the pleadings regarding the role of proposed witness / husband of defendant no. 1 in his dealing with the husband of the plaintiff for taking of loan of Rs.10 lakhs.

Considering the facts and circumstances of the case, instant application stands disposed off as **allowed**, however, subject to cost of Rs.6,000/- to be paid by defendant no. 1 to the plaintiff within 01 weeks from today. **Subject to the payment of cost, exactly one opportunity is given to the defendant no. 1 to lead additional evidence.** Evidence by way of affidavit be supplied atleast 10 days in advance to the other side.

Put up for DE on behalf of defendant no. 1 on **14.10.2025**.

(Mohammad Ehtesham)
DJ – 03, Shahdara District,
Karkardooma Courts, Delhi
30.07.2025