

18 CS 590/21

**PRINCE KUMAR CHAUHAN AND ORA Vs. ASHIYA
BEGUM**

25.09.2025

At 12:23pm

Present: Sh. Krishan Rana, Ld. Counsel for plaintiffs
along with plaintiff no.3 namely Sh. Vikas.
Sh. Pandit Gourav Sharma, Ld. counsel for
defendant along with defendant.

Cost of Rs.2,000/- paid by defendant to Ld. counsel
for plaintiff.

Copy of slip filed.

An application under Order XVII r/w Section 151
CPC along with fresh Vakalatnama filed by defendant. Copy
supplied.

Ld. counsel for plaintiff submits that he does not
wish to file reply to the aforesaid application. He further submits
that he is ready to address arguments on the aforesaid application
straightaway.

Ld. counsel for defendant submits that he has been
recently engaged in the present matter. He further submits that
defendant has approached him on 09.09.2025. He further submits
that previous counsel of defendant has not supplied the office file
to defendant despite her visits on 08.08.2025, 11.08.2025,
22.08.2025 and 08.09.2025. He further submits that thereafter
defendant has applied for the certified copy of the entire file on
09.09.2025, however, the same is not yet ready and has not been

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received by defendant. He further submits that copy agency has given the date of 27.09.2025 for supplying of the certified copies. He further submits that defendant be granted one more opportunity to lead DE. He further submits that present matter be adjourned for another 30 days.

Ld. counsel for plaintiff opposed the present application and submits that present application is a gross misuse of process of law and has been filed in order to delay the proceedings of the present suit. He further submits that defendant has not filed any proof which can establish that defendant has approached her previous counsel and he has refused to hand over the file. He further submits that part cross examination of DW-1 Ashiya Begum has already been conducted on 23.04.2025 and an adjournment was taken on behalf of defendant for want of paper executed between Sh. Devender Choudhary and defendant to prove the loan transaction of Rs.2 lakhs. He further submits that defendant has not produced the aforesaid alleged document till date. He further submits that the present application be dismissed with cost.

Heard.

Perusal of the record shows that issues were framed on 18.09.2023 and PE was closed on 20.08.2024. On 20.08.2024, this Court has granted 30 days time to defendant to file evidence affidavit of all her witnesses but despite directions, defendant has not filed evidence affidavit of all her witnesses and has taken adjournment on 07.11.2024 and 12.02.2025. Perusal of the record

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shows that on 12.02.2025, cost of Rs.10,000/- was also imposed upon defendant.

On 23.04.2025, defendant had filed her evidence affidavit and she was examined and partly cross examined on the same day and her further cross examination was deferred for want of document executed between Sh. Devender Chaudhary and defendant to prove the loan transaction of Rs.2 lakhs. Thereafter on 23.07.2025, adjournment was again sought on behalf of defendant.

On 08.08.2025, DW-1 was present, however, her cross examination could not be recorded as her son has submitted that defendant's counsel is not available and the file is with him and defendant also wants to change her counsel. Record further reveals that her son has submitted that DW-1 is not ready to step into the witness box for her cross examination.

This Court has also observed in the order sheet dated 08.08.2025 that the previous counsel of defendant namely Sh. Dhananjay Kumar Jha was present in the Court during the proceedings. Record further reveals that Sh. Dhananjay Kumar Jha had appeared in the present matter on 23.07.2025. Record further reveals that on 28.02.2024, Vakalatnama of Sh. Dhananjay Kumar Jha was filed on behalf of defendant and thereafter he regularly appeared till 20.08.2024. Record further reveals that MOA was filed by one Mr. Ashok Kumar, Advocate, on behalf of defendant on 12.02.2025. Mr. Ashok Kumar, Advocate, had also appeared on behalf of defendant on

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23.07.2025, however, no Vakalatnama of Mr. Ashok Kumar has been filed on behalf of defendant till date.

On LDOH i.e. 08.08.2025, this Court in the interest of justice has given last and final opportunity to defendant to lead DE despite observing that no ground for adjournment is made out. This Court has already granted 06 opportunities to defendant to lead DE.

At this stage, on the specific query of this Court, Ld. counsel for defendant, on instructions submits that the document i.e. original paper executed between Sh. Devender Kumar and defendant in respect to loan of Rs.2 lakhs is with her previous counsel namely Sh. Ashok Kumar. He further submits that he is not in a position to assist defendant in the present suit in the absence of complete file. Ld. counsel for defendant, on instructions submits that defendant needs some time for preparation for her cross examination, therefore, she is not in a position to step into a witness box.

On the specific query of this Court, Ld. counsel for defendant, on instructions submits that defendant has not filed any complaint of professional misconduct against her previous counsel namely Sh. Ashok Kumar before BCD.

Considering that defendant has not filed any complaint for professional misconduct against Sh. Ashok Kumar, Advocate, before BCD till date and considering the conduct of defendant, this Court is not inclined to further grant opportunity to defendant to lead DE and adjourned the matter.

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In view of the facts and circumstances of the case and considering the conduct of defendant and above observations, no further ground of adjournment is made out, therefore, **application under Order XVII r/w Section 151 CPC stands dismissed and right of defendant to lead DE stands closed by order.**

Application under Order XVII r/w Section 151 CPC is accordingly disposed of.

Put up for final arguments on **29.11.2025.**

Date is given as per the convenience of Ld. counsels.

(Deepanker Mohan)
District Judge-04
Shahdara District/KKD Courts/Delhi
25.09.2025