

2 CS DJ ADJ 17/2016 16099/16
ADESH KUMAR JAIN Vs. BRIJ RANI SHARMA ANR

10.04.2026

Present: Sh. Ashok Kaushik, Ld Counsel for plaintiff.
Sh. Manoj Kumar, Ld Counsel for LRs of defendant no.1.
None for LRs of defendant no.2.
Defendant no.2 already proceeded ex-parte vide order dated 23.10.2019.

Today the matter is fixed for clarifications, if any/ order on application under Order XVIII Rule 17 CPC and application under Order VIII Rule 1A CPC.

An application under Order XVIII Rule 17 CPC was moved on behalf of defendant no.1 on 13.12.2025.

As per the application, due to inadvertence, counsel for defendant no.1 wrongly jotted down the next date of hearing in the present case and when the counsel inquired from court he got to know that defendant's right of DE has been closed and matter has been listed for final arguments.

By way of present application, defendant no.1 is seeking an opportunity to produce witnesses and lead DE which has been closed vide order dated 27.11.2025.

Considering the facts and circumstances and the fact that defendant has been contesting the suit for last ten years and also in the interest of justice, defendant is granted one last opportunity to lead DE and examine their witnesses subject to the cost of Rs.1000/- to be deposited in DLSA, South West, Dwarka District Court before next date of hearing.

Application under Order VIII Rule 1A CPC

Another application under Order VIII Rule 1A is also pending disposal, filed by LR of defendant no.1.

It is stated in the application that plaintiff had filed a complaint case against the defendant no.1, LR of defendant no.1 and defendant no.2 and the applicant was discharged vide order dated 24.05.2025 by JMFC-01, Dwarka Courts, New Delhi. By way of present application, plaintiff wishes to file certain documents pertaining to the aforesaid complaint.

This court is of the considered opinion that as the copy of complaint has been filed by the opposite party to support his case, the end result of the same complaint also becomes relevant. As the document has come into existence only after filing of WS, defendant cannot be blamed for delay in filing application.

In view thereof, the application is allowed.

List for DE on **07.07.2026**.

(Abhitosh Pratap Singh Rathore)
DJ-05 (SW)/Dwarka Courts
New Delhi: 10.04.2026