

10 Civ DJ 125/2016 11346/16 MS ARORA ASSOCIATES REALTY
LTD Vs. BINA MINJ

09.02.2026

Present AR of plaintiff no.1 / SPA of plaintiff no.2 with Ld. Counsel
Sh. Ankit Miglani.

Defendant with Ld. Counsel Sh. Gagandeep Singh.

This is one of the oldest matter of this Court.

PW2 examined, cross examined and discharged.

Ld. Counsel for plaintiff has moved an application under
Order 18 Rule 17 CPC for recalling of witness PW1 Sh. Rajesh Arora
along with supporting affidavit. Copy supplied.

It is submitted that on the last date of hearing, 29.01.2025,
PW-1 Sh. Rajesh Arora was examined and discharged, but he could not
produce the original title documents of the suit property as they were kept
in the locker safe of plaintiff No. 1, the keys of which were with the
Finance Manager, Ms. Shanti, who was away at her hometown. Ms.
Shanti has since returned and resumed her services with effect from
02.02.2026, and the original title documents have now been retrieved
from the locker safe. Hence, this application is filed seeking recall of
PW-1 for the limited purpose of exhibiting the title documents on record.
It is submitted that the non-production of the documents on the earlier
date was neither intentional nor deliberate. No prejudice would be caused
to the opposite party in case the originals are exhibited. However, refusal
would result in irreparable loss and prejudice to the plaintiffs.

Contd...2

Ld. Counsel for defendant submits that he has no objection in case the said application is allowed subject to costs.

Heard both the parties. Record perused.

The documents which the plaintiff wish to exhibit have already been marked at the time of examination of PW1 on the last date of hearing. The originals have been produced today. No prejudice would be caused to the opposite party in case the originals are exhibited as the defendant will have the opportunity to cross examine the witness with regard to the said original documents. In view of facts and circumstances, the application under Order 18 Rule 17 CPC stands allowed subject to costs of Rs. 2000/- to be paid to the opposite party. Costs paid.

PW1 Rajesh Arora further examined, cross examined and discharged.

Ld. Counsel for plaintiff submits that the plaintiff does not wish to examine any other witness. Separate statement of AR of plaintiff no .1 / SPA of plaintiff no.2 recorded to this effect. **PE closed.**

Ld. Counsel for defendant submits that only one witness is to be examined and he has already placed on record the evidence affidavit of the said witness with advance copy to the Ld. Counsel for the opposite party.

Put up for DE on 11.02.2026. Date is given at the request and convenience of Ld. Counsel for both the parties.

SUSHEEL BALA DAGAR
DISTRICT JUDGE-08
WEST/DELHI/09.02.2026