

Civ DJ 8955/16
RAKESH ARORA Vs. SUSHIL NARULA

13.10.2025

Present: AR for the plaintiff with ld proxy counsel Sh. Rohit
Gupta.

Defendant no.2 with ld counsel Sh. Rishabh Gulati.

In this matter, two applications have been moved on behalf of defendant. One is u/s 151 CPC and another is u/o 16 r/w Section 151 CPC.

In application u/o 151 CPC, defendant is challenging the order dated 31.07.2024, whereby further opportunity for DE was closed. It is submitted on behalf of defendant that on 31.07.2024, DW-2 Kunal Narula was to be examined, however, he got late and by the time he reached in the Court, matter had already been adjourned for 14.10.2024. It is submitted that on the same day DW-2 Kunal Narula filed his affidavit of evidence. It is submitted that on next date of hearing i.e. 14.10.2024, defendant appeared with his counsel and it was informed by ld counsel for defendant that DE has already been closed and ld counsel sought opportunity to file application for reopening of DE. It is submitted that after 14.10.2024, defendant regularly contacted his counsel to prepare the said application, however, ld counsel did not prepare the same and considering his conduct defendant appointed a new counsel, who has moved the present application. It is submitted on behalf of defendant that name of witness is already mentioned in the list of witnesses filed on behalf of defendant and no prejudice shall be caused to plaintiff if opportunity for examination of DW-2 is allowed. Prayer has been made to recall the order dated 31.07.2024. Prayer is strongly objected by ld counsel

for plaintiff.

Perusal of record shows that cross-examination of DW-1 was concluded on 05.02.2024 and after that matter was put up for remaining DE on next date, however, on subsequent dates i.e. 02.04.2024, 21.05.2024 and 31.07.2024, no DW was examined. Even the affidavit of evidence of DW-2 was filed after the call was made on 31.07.2024. In view of the same, it is clear that delay was caused by defendant in leading DE, however, in the interest of justice and subject to cost of Rs.5000/- to be paid to opposite side, said application is allowed. Last and final opportunity is granted for examination of DW-2 on next date of hearing.

In application u/o 16 r/w Section 151 CPC, it is submitted on behalf of defendant that defendant has disputed the signatures of initial defendant Sh. Sushil Narula. It is submitted that initial defendant Sh. Sushil Narula was having bank account in ICICI Bank, where his admitted signatures are lying. Prayer has been made that necessary record be called from ICICI Bank and signature of initial defendant Sh. Sushil Narula be verified through handwriting expert or through CFSL.

Perusal of record shows that as per case of plaintiff, plaintiff advanced a loan to defendant and defendant no.1 executed a Promissory Note, however, in his written statement, defendant has denied the execution of said Promissory Note. In view of above, it is clear that said record and examination by handwriting expert is necessary to reveal the truth. In these circumstances, said application is also allowed and after examination of DW-2, witness from ICICI Bank be called with the necessary record and said record be got examined through private handwriting expert. Accordingly, said

application is allowed.

Put up for examination of DW-2 Kunal Narula on next date of hearing. Evidence affidavit of Kunal Narula be supplied to opposite side.

Put up on 08.12.2025.

**Announced in the open Court
on this 13th day of October, 2025.**

**(Dharmender Singh)
District Judge-01, (West)
Tis Hazari Courts, Delhi**