

16.11.2023

This case has been listed before the undersigned for the first time since the undersigned has joined the present posting on 31.08.2023.

Present: Sh. Ashok Kumar, Ld counsel for petitioner.
Sh. Vikas Kumar, Ld proxy counsel for respondent.

An application for summoning the witness along with additional list of witness have been moved by the ld counsel for respondent.

Copy of the same has been supplied to the ld counsel for petitioner.

Put up at **12.30 Pm** for reply as well as consideration of above-said application.

(SHIV KUMAR)
ADJ-02, West Distt.Tis Hazari Courts
Delhi16.11.2023

At 1.00 pm

Present: Sh. Deepak Chauhan, Ld counsel for petitioner.
Ms. Dimple Dhanija, Ld counsel for respondent.

Ld counsel for the petitioner submits that the application of the respondent. may be dismissed. He further submits that the respondent should mention the name of the witness in the list of witness and the said list of witness is required to be filed within 14 days from framing of issues. He further submits that the respondent has already exhibited the sale deed and now there is no relevancy as well as requirement for calling witness from sub registrar office for again proving the said sale deed. He further submits that it will become an endless process to file application for summoning additional witness and the case will be delayed.

Ld counsel for the respondent submits that the witness, which she wants to summon is an official witness and he is summoning this witness only for proving the record of the said sale deed maintained in the office of sub-registrar-1, Kashmiri gate Delhi. She further submits that no prejudice will be caused to the petitioner if the said witness is summoned as the petitioner will get opportunity to cross examine the said witness.

Ld counsel prays to the court to summon the said witness and further submits that she will not examine any other witness except the witness mentioned in the application and will close the evidence on behalf of the respondent after examination of above-said witness. Heard.

The witness is an official witness and is cited to bring record for proving the registration of sale deed in the office of sub-registrar-1 Kashmiri gate Delhi and the said sale deed is already on record and has been exhibited in the testimony of witnesses.

Considering the above-said observations as well as keeping in mind, the purpose of procedural law that the procedural should not defeat the substantive rights of parties, the present application for summoning the witness on behalf of respondent is allowed, subject to cost of Rs. 1,000/- to

-3-

be paid to the ld counsel for petitioner.

Application stands disposed of accordingly.

Let summons be issued to the witness mentioned in the application on filing of PF and the diet money of the said witness be paid in the court at the time of his examination.

Put up on **21.12.2023** for examination of said witness on behalf of respondent.

(SHIV KUMAR)
ADJ-02, West Distt.Tis Hazari Courts
Delhi16.11.2023