

09.01.2026

Present : Sh. Prateek Tanwar, Ld. Counsel for plaintiff along with plaintiff.

Sh. Prashant Batra, Ld. Counsel for the defendant (phone no. 9810775051).

Ms. Himanshi, Ld. LC through VC.

Fresh vakalatnama filed on behalf of the defendant. The same is taken on record.

Ld. LC has furnished the report that the defendant is not coming forward for leading defence evidence and is again and again changing his Counsel and does not even reply in the whatsapp group created by her for the purpose of evidence.

Ld. Counsel for defendant submits that he has been recently engaged and now the matter shall be proceeded with expeditiously at the earliest and no adjournment shall be sought in future. He submits that Counsel for defendant would remain present on the date fixed by the Ld. LC.

Further, Ld. Counsel for the defendant submits that he is moving three applications today which are as follows:

1. Application under Section 151 CPC for placing on record list of witnesses. It is submitted that due to inadvertent error and oversight, the defendant could not file list of witnesses at the appropriate stage and now the matter is at the stage of defendant evidence. Hence, the defendant

contd...2

seeks to examine certain material and relevant witnesses whose testimony is necessary for proper and effective adjudication of the present case.

Ld. Counsel for the plaintiff submits that it is only delaying tactics on the part of defendant in order to fill-up the lacuna.

Heard. Record perused.

Matter is at the stage of defendant evidence. I deem it fit to grant one opportunity to the defendant to get the matter adjudicated on merits. However, as there is unnecessary delay in filing the list of witnesses, the present application is allowed subject to costs of Rs. 10,000/- imposed on the defendant to be paid to the plaintiff. List of witness is taken on record subject to payment of costs.

Application under Order 8 Rule 1A CPC

2. An application is moved on behalf of the defendant under Order 8 Rule 1A CPC alongwith documents. It is submitted that the defendant wishes to place on record the documents i.e. agreement to sale dated 21.05.2015 between the son of plaintiff and the defendant. It is submitted that even in Para 4 of his WS, the defendant has mentioned regarding the said agreement to sell with the son of defendant and the defendant has signed the said agreement to sell as a witness. It is submitted that the defendant also wishes to place on record the copy of the judgment and decree dated 20.07.2022 vide which the suit for recovery of Rs. 15,24,600/- against the son of defendant Sh. Harmeet Singh was decreed which is regarding the same transaction which has been mentioned by the plaintiff in this suit. It is submitted that the plaintiff concealed the filing

contd...3

of such suit by himself against the son of defendant.

In reply, Ld. Counsel for the plaintiff submits that plaintiff is admitting his signature as an attesting witness to the agreement to sell dated 21.05.2015, however, he is not admitting the contents of the said agreement which took place between the son of the plaintiff and the defendant. Further, it is submitted that the plaintiff is admitting the plaint, judgment and decree dated 20.07.2022 which is a judicial record.

Heard perused.

The documents which the defendant wishes to bring on record is a judicial record and an agreement to sell which the plaintiff is admitting to have signed as an attesting witness. Accordingly, this application under Order 8 Rule 1A moved on behalf of the defendant is **allowed**. The said documents are taken on record.

Admission denial of agreement to sell dated 21.05.2015 and plaint, judgment and decree dated 20.07.2022.

At this stage, the plaintiff is called up for admission denial of the above two documents to which the plaintiff has admitted his signatures at point A on agreement to sell dated 21.05.2015 Ex. DA1 as a witness and admitted the plaint, judgment and decree dated 20.07.2022 passed by the Court of Shri Syed Zishan Ali Warsi, Ld. ADJ-05, West District, THC, Delhi as Ex. DA2.

Accordingly the said documents are admitted.

Application under Order 18 Rule 17 CPC

3. Another application under Order 18 Rule 17 CPC is filed by

contd...4

the defendant seeking opportunity to further cross-examine the defendant. However, Ld. Counsel for the defendant submits that he is withdrawing this application as the plaintiff has admitted the documents which have been filed under Order 8 Rule 1A CPC.

In view of submissions made the application under Order 18 Rule 17 CPC has been dismissed as **withdrawn**.

Ld. Counsel for the defendant submits that defendant would be filing an additional affidavit as the plaintiff has denied the contents of agreement to sell dated 21.05.2015 for which he seeks opportunity.

Heard.

In view of submissions made is **allowed**.

All three applications filed by the defendant have been disposed of as above.

Matter is at the stage of DE.

Defendant shall conclude her evidence before Ld. LC within a month from today, this being the last opportunity to the defendant for conclusion of defence evidence. Reader to apprise the Ld. LC to submit the report on the next date of hearing.

Put up for awaiting report of Ld. LC for 07.02.2026.

SUSHEEL BALA DAGAR
DISTRICT JUDGE-08
WEST/DELHI/09.01.2026