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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **CS(OS) 693/2023**

PRADEEP KUMAR TYAGI

.....Plaintiff

Through: Ms. Suman Chaudhary and Mr. S.K. Gautam, Advs. with plaintiff in person

versus

PRAMOD KUMAR TYAGI

.....Defendant

Through: Mr. Baldev Raj and Ms. Shikha Tyagi, Advs.

CORAM:

DR. JAGMINDER SINGH (DHJS) JOINT REGISTRAR (JUDICIAL)

ORDER

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14.01.2026

I.A. 80/2026 (filed by plaintiff under Section 5 of the Limitation Act seeking condonation of 95 days delay in filing list of witnesses)

1. Arguments heard.
2. Learned counsel for plaintiff submitted that delay was caused because of the illness of learned main counsel for the plaintiff, which is not opposed.
3. Hence, in view of the same, the delay in moving the application for summoning of witness condoned.
4. The captioned I.A. allowed and **disposed of**.

I.A. 33012/2025 (filed by plaintiff under Order 16 Rule 2 CPC for summoning of witness)

5. Arguments heard.
6. It is submitted by learned counsel for defendants that he does not want to file formal reply as his client is resident of US and he wants to make oral



submissions as per instructions of the client. He further submitted that this application has been moved for summoning of educational record of deceased mother of both parties but the documents to that respect has been admitted by the plaintiff as per the affidavit of admission/denial and JDS. Therefore, there is no requirement to summon the witness for that purpose.

7. At this, learned counsel for plaintiff submitted that she is not pressing the present application any further. However, she will take appropriate steps if required any further regarding the educational record of deceased mother of the parties.

8. Hence, the captioned I.A. accordingly **disposed of** being not pressed.

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9. Matter is listed for PE.

10. Evidence affidavit has been e-filed on behalf of plaintiff of PW-1. During tendering, learned counsel for plaintiff submitted that as there are several discrepancies in the evidence affidavit, she may be granted one day time to file fresh evidence affidavit. Not opposed.

11. Plaintiff is at liberty to file fresh evidence affidavit within one day with advance copy to opposite party.

12. Put up for PE on the date already fixed 15.01.2026.

DR. JAGMINDER SINGH (DHJS)
JOINT REGISTRAR (JUDICIAL)

JANUARY 14, 2026/tp