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

+ CS(OS) 1545/2015

R C KOHLI

.....Plaintiff

Through: Mr.Siddharth Jain, Adv. with
Capt. Pawanexh Kohli (LR) of
plaintiff in person (appeared
through VC)

versus

RAJIV KOHLI & ORS

.....Defendants

Through: Ms. Anusuya Salwan, Ms.
Renuka Arora, Mr. Rachit
Wadhwa & Mr. Yatin, Advs. for
D-1 & 2
Mr. Rohit Kumar, Adv. for D-3
& D-4 (appeared through VC)
with D-3 in person

**CORAM:
JOINT REGISTRAR (JUDICIAL) SH. MANISH
SHARMA, (DHJS)**

ORDER

15.01.2026

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**I.A.No.30394/2025 (under Section 151 CPC filed on
behalf of the plaintiff for closure of right of defendant
no.1 & 2 to file evidence by way of affidavit)**

1. It is submitted that the matter is coming up before the Hon'ble Court on 02.02.2026.
2. File is taken up today on listing of the captioned IA.
3. It is averred in the captioned IA that vide order dated 19.01.2016 of the Hon'ble Court, the present matter was consolidated with another Civil Suit bearing no. CS(OS) 683 /2015 titled as "*Mahim Pal Kohli & Anr*



Versus Sh. Rajiv Kohli & Ors". It is further averred that the Hon'ble Court *vide* Order dated 08.10.2024 passed directions in the present matter as well as in CS(OS) 683/2015 with regard as to how Evidence of the Parties shall be conducted. It is also averred that the Hon'ble Court in its Order dated 08.10.2024 has categorically held that examination of Defendants No. 3 & 4 shall be concluded in the present matter before 30.11.2024 and thereafter, the Defendant Nos. 1 & 2 shall file their evidence by way of affidavit within a period of one month. It is averred that however, the evidence of defendants No. 3 & 4 was not completed and *vide* order dated 08.10.2024 further time was granted to defendant Nos. 1 & 2 *vide* orders dated 09.01.2025 and order dated 30.04.2025. The cross-examination of Defendants No. 3 & 4 was then concluded on 21.08.2025. It is further averred that in terms of Order dated 08.10.2024 of this Hon'ble Court, the Defendant Nos. 1 & 2 were directed to file their Affidavit of Evidence within a period of month, however, they have failed to adhere and comply even three months after conclusion of evidence by supporting Defendants No. 3 and 4, and the proceedings in the present suit is in abeyance. It is prayed that in view of these facts, since the defendant Nos. 1 & 2 failed to comply with the Order dated 08.10.2024 of this Hon'ble Court, their right to file Affidavit of Evidence should be closed and the present Suit must proceed further for adjudication.

4. Learned counsel for the defendant no.1 & 2 have strongly opposed the captioned IA. It is argued by



learned counsel for defendant no.1 & 2 that defendant no.3 & 4 are supporting the case of plaintiff in the present case and the other connected case i.e. CS(OS) 683/2015 titled as 'Sh. Mahim Pal Kohli and Anr. Vs. Sh. Rajiv Kohli & Ors.' Has been filed by defendant no.3 in the present case wherein evidence has to be lead by the plaintiff first and if defendant no.1 & 2 are directed to file evidence by way of affidavit in this case and disclose their defence, defendant no.3 (plaintiff in CS(OS) 683/2015) will take advantage of the same and will improve his case by filing evidence by way of affidavit after going through the defence of defendant no.1 & 2. It is prayed that for the aforesaid reason, the captioned IA may be dismissed.

5. Arguments heard. Record perused.
6. By way of captioned IA, the plaintiff seeks issuance of directions to the defendant no.1 & 2 to file evidence by way of affidavit failing which right of the defendant no.1 & 2 may be closed.
7. Perusal of record shows that the present matter is connected with CS(OS) 683/2015 and the defendant no.3 in the present case has filed the said case. It is a matter of record that evidence of the plaintiff is yet to be commenced in CS(OS) 683/2015 and the plaintiff in the said case, who is defendant no.3 in the present case, has already led his evidence in this case and has also been cross-examined on behalf of defendant no.1 & 2. I am in agreement with the contention of learned counsel for the defendant no.1 & 2 that if the defendant no.1 & 2 filed their evidence in this case, defendant no.3 may



take advantage of the same and there is a possibility that the defendant no.3 may improve his evidence in the connected case.

8. In view of the aforesaid reasons, the captioned IA is dismissed.
9. IA stands disposed of.

**MANISH SHARMA, (DHJS)
JOINT REGISTRAR (JUDICIAL)**

JANUARY 15, 2026/nk