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

+ CS(OS) 3141/2015

CAPT (RETD) INDERBIRSINGH UPPAL

..... Plaintiff

Through: Mr. Anil K. Khaware & Mr.
Yogendra Kumar, Advs. With
plaintiff in person.

versus

MS NEERU WALIA

..... Defendant

Through: Mr. Prabhjit Jauhar, Adv.
(appeared through VC) & Ms.
Anupama Kaul, Advs.

CORAM:

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

ORDER

12.01.2026

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**I.A.No.24947/2025 (under Section 5 of Limitation Act
filed on behalf of the defendant for condonation of
delay in filing evidence by way of affidavit)**

1. Reply to the captioned IA has been filed on behalf of the plaintiff.
2. It is averred in the captioned IA that the defendant was granted time to file evidence by way of affidavit vide order dated 24.07.2025. It is further averred that evidence by way of affidavit could not be filed within time as the defendant was unwell and was admitted in hospital and had also undergone a surgery. It is also averred that due to this reason, evidence by way of affidavit could not be filed within time.
3. Heard. Record perused.
4. In view of the averments made in the captioned IA and



also in view of the fact that defendant was not well, the captioned IA is allowed. Delay in filing evidence by way of affidavit of the defendant is condoned.

5. IA stands disposed of.

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6. The matter is listed for defendant's evidence.

7. Learned counsel for the plaintiff submits that without leave of the Court, list of witnesses of the defendant cannot be taken on record as the defendant has not filed list of witnesses within specified time.

8. Learned counsel for the defendant submits that he does not wish to examine any official witness and he will examine only one witness, who is husband of the defendant. He further submits that he will examine both the witnesses simultaneously on the same day and he also has no objection, if both the witnesses are cross-examined on behalf of the plaintiff on the same day.

9. Heard. Record perused.

10. In my opinion, no prejudice would be caused to the plaintiff, if request of the defendant is considered and allowed since the defendant, apart from her, wishes to examine only one more witness i.e. husband of the defendant and the defendant is even also ready to examine and cross-examine both the witnesses simultaneously. However keeping in view the objections raised by the plaintiff, defendant is permitted to examine her husband as well as her witness subject to cost of Rs.10,000/- to be paid to learned counsel for the plaintiff.

11. Perusal of record shows that evidence affidavit filed on



behalf of the defendant Ms. Neeru Walia has been returned under objection. Delay in filing the same has been condoned today. Learned counsel for the defendant is requested to check it up with the Registry and have the same placed on record.

12. Let evidence by way of affidavit of the other witness be also filed by the defendant within four weeks with advance copy to the opposite side.

13. Re-notify the matter for DE on **09th April, 2026**.

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

JANUARY 12, 2026/nk