

01.04.2026 Present: Mr. Anand Sharma, Senior Advocate, with Mr. Karan Sharma, Advocate, for the plaintiffs.

Mr. Nareshwar Singh Chandel, Senior Advocate with Mr. Vinod Gupta, Advocate,, for the defendants.

Four witnesses (plaintiffs) namely, Khayali Ram, Suneel Kumar, Sunil Kumar and Ms. Rita Devi, are present. Learned senior counsel for the plaintiffs' submitted that affidavits of these witnesses are ready, however, copy of these affidavits have not been supplied to the learned opposite counsel.

Learned Senior Counsel for the defendants submitted that no permission under Order XVIII Rule 3A has been sought by the plaintiffs' and only Hon'ble Court under Order XVIII Rule 3A, can grant permission otherwise examination in chief cannot be permitted. He relied upon the judgment of this Hon'ble Court, ***titled Iqbal Singh versus Kamal Dev & another, CMPMO No. 176 of 2020.***

He has further submitted that the permission, if any, is to be given by the Hon'ble Court and not by the Registrar. Learned Senior Counsel further emphasized that

recording of reasons is also there and this means that it is only the Hon'ble Court, which is competent to grant leave.

On the other hand, learned senior counsel Shri Anand Sharma, submitted that initially the defendants were proceeded ex parte and in their absence, three witnesses were examined. So, there was no occasion for the plaintiffs' to seek the permission. Learned senior counsel further submitted that even after joining the proceedings by the defendants, the case has already been fixed for the plaintiffs' evidence and today it has been ordered that plaintiffs No. 1 to 4 were directed to be produced and they have complied with the order.

Learned senior counsel further submitted that in addition to to this, earlier also six witnesses have been examined, however, no objection has been raised till date, though the case has been listed thrice.

Learned senior counsel for the plaintiffs', lastly submitted that witnesses are present and their affidavits are ready and he be permitted to examine the witnesses in compliance of the order.

Keeping in mind the fact that the objections have been raised under Order XVIII Rule 3A, that the permission is to be given by the Hon'ble Court and permission is to be given only after recording the reasons. As the objections go to the root of the case, the same are to be decided by the Hon'ble Court.

Let the case be listed before the Hon'ble Court for appropriate orders.

**Registrar (Judicial)**

1<sup>st</sup> April, 2026  
(Pritam)