

(2026) 04 DEL CK 0738

In the Delhi High Court

Case No : Civil Miscellaneous Petition No. 865 Of 2026, Civil Miscellaneous Application Nos. 25443, 25444 Of 2026

Poonam Sharma

APPELLANT

Vs

Surinder Singh

RESPONDENT

Date of Decision : 20-04-2026

Acts Referred:

Constitution of India, 1950 — Article 227

Citation : (2026) 04 DEL CK 0738

Hon'ble Judges : Rajneesh Kumar Gupta, J

Bench : Single Bench

Advocate : Ashok Kumar Garg and, Kavita Agrawal, Pradeep Murria

Final Decision : Disposed Of

Judgement

Rajneesh Kumar Gupta, J

1. This hearing has been conducted through hybrid mode.
2. The present petition has been filed under Article 227 of the Constitution of India, assailing the impugned order dated 09th February, 2026, passed by the learned Trial Court in CIV DJ No. 128/2016, whereby the right of the petitioner/defendant to adduce further evidence has been closed.
3. Learned Counsel for the respondent appears on advance notice and accepts notice.
4. Heard. Record perused.
5. Learned Counsel for the petitioner submits that the petitioner seeks to examine one additional witness, namely, Ms. Roopa Sharma, who is the daughter of the petitioner. It is further submitted that in case an opportunity to lead evidence is not granted, grave prejudice would be caused to the petitioner. Accordingly, it is prayed that one opportunity be granted to the petitioner to lead evidence and a period of one week be granted to file the affidavit of evidence of

the said witness.

6. Per Contra, learned Counsel for the respondent has argued that sufficient opportunities have already been granted by the learned Trial Court to the petitioner to lead evidence. It is, however, submitted that he has no objection if one more opportunity is granted to the petitioner to lead evidence, subject to payment of heavy costs.

7. Keeping in view the facts and circumstances of the case and the submissions of the learned Counsels, this Court is of the opinion that it would be in the interest of justice, if one more opportunity is granted to the petitioner to lead evidence, as the respondent can be compensated by way of costs. Accordingly, one more opportunity is granted to the petitioner to examine Ms. Roopa Sharma, daughter of the petitioner, subject to payment of costs of Rs. 10,000/- (Rupees Ten Thousand Only) to the respondent. The petitioner shall file the affidavit of evidence of the said witness before the learned Trial Court within a period of one week.

8. It shall be open to the learned Trial Court to record the evidence of the petitioner's witness on the date already fixed or on any other date as may be convenient to the learned Trial Court.

9. Accordingly, the present petition stands disposed of in above terms. Pending application(s), if any, also stand disposed of.