

(2025) 12 DEL CK 0014

Delhi HC

Case No: Civil Miscellaneous Petition No.2413 Of 2025, Civil Miscellaneous Application
Nos. 78521, 78522 Of 2025

Col Ajay Ahlawat & Anr.

APPELLANT

Vs

Sudhir Kumar Windlass

RESPONDENT

Date of Decision: Dec. 12, 2025

Hon'ble Judges: Girish Kathpalia, J

Bench: Single Bench

Advocate: Sougat Sinha, R. Gayathri Manasa, Navneet Kumar, Joby P. Varghese

Final Decision: Disposed Of

Judgement

Girish Kathpalia, J

1. Petitioners/defendants have assailed order dated 10.03.2025 of the learned trial court, whereby the petitioner no. 2/defendant no. 2 was denied permission to lead evidence on the ground that there is no Written Statement on record. The learned trial court in the impugned order took a view that since the Written Statement was unsigned, petitioner no. 2 cannot be permitted to lead evidence.
2. Learned counsel for respondent/plaintiff has appeared on advance intimation and accepts notice.
3. After some discussion, learned counsel for both sides request for disposal of this petition with consent.
4. On the issue of the Written Statement being unsigned, learned counsel for petitioners/defendants has taken me through record, pointing out that the Written Statement on behalf of all three defendants was filed bearing signatures of the present petitioner no. 1 (defendant no. 1). Admittedly, defendant no. 2 is wife of defendant no. 1. The Written Statement signed by only defendant no. 1 was accepted as Written Statement on behalf of all defendants by the Original Side of this Court, where initially, the suit was pending. Even the replication filed, specifically

stated it to be a response to Written Statement of all defendants. Learned counsel for petitioners/ defendants specifically submits that he wants to examine only one witness on behalf of petitioner no. 2. In view of these circumstances, learned counsel for respondent/plaintiff, in all fairness, would not oppose setting aside the impugned order but requests that trial court be directed to dispose of the suit expeditiously.

5. In view of the aforesaid, with consent of both sides, the impugned order is set aside and it is directed that the present petitioner no. 2/defendant no. 2 shall be allowed to examine one witness; that on the date already fixed i.e., 19.12.2025, the witness of defendant no. 2 shall remain present before the learned trial court and if the board of the learned trial court permits, defendant no. 2 shall be examined on 19.12.2025 itself, but if the board of the trial court does not permit, learned trial court shall fix a fresh date of recording evidence of defendant no. 2 as per its convenience; that in case on 19.12.2025, for some reasonable cause witness of the defendant no. 2 is unable to appear, learned trial court shall fix a fresh date for recording her evidence as per convenience of the court. The learned trial court is requested to dispose of the suit as expeditiously as possible.

6. Accordingly, the petition and the accompanying applications are disposed of.