2025:DHC:10600

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

% *Date of Decision: 28.11.2025*

\+ **CM(M) 2308/2025, CM APPL. 74671/2025 & CM APPL. 74670/2025**

SANDEEP KUMAR .....Petitioner

Through: Mr. Om Prakash Mishra and Mr. Mayank Pandey, Advocates with petitioner in person.

versus

KAPTAIN SINGH RATHI THROUGH LRS .....Respondents

Through: None.

CORAM: JUSTICE GIRISH KATHPALIA

O R D E R (ORAL)

1. Petitioner has assailed orders dated 07.11.2025 and 18.11.2025 of the learned trial court. Having heard learned counsel for petitioner/defendant at length, I do not find it a fit case to even issue notice. Rather, the present petition is completely frivolous and filed with oblique purposes.

2. By way of order dated 07.11.2025, evidence of petitioner/defendant was closed as despite last and final opportunity granted on multiple occasions, no evidence was led. Thereafter, the petitioner/defendant filed an application under Section 151 CPC seeking reopening of the evidence of the defendant. That application was dismissed by way of detailed order dated

18.11.2025.

3. Learned counsel for petitioner/defendant contends that the impugned orders are liable to be set aside in the interest of justice and petitioner/defendant deserves further opportunity to lead evidence. It is contended by learned counsel for petitioner/defendant that since the matter had been referred to mediation centre, the evidence ought not to have been closed by the learned trial court. No other submission has been advanced.

4. On being pointed out the false statement made before the trial court by the petitioner/defendant as recorded in the impugned order as well as the conduct of learned counsel before the trial court, learned counsel explains that it is just that he habitually speaks with high pitch. Be that as it may, there is no explanation as to why the petitioner/defendant made a false statement before the trial court.

5. For convenient analysis, the entire impugned order dated 18.11.2025 is extracted below:-

> *"An application under section 151 CPC to reopen the defendant evidence is filed on behalf of defendant.*
>
> *Heard. Perused.*
>
> *It is submitted on behalf of the defendant that on the previous date i.e 07.11.2025, the matter was listed for defence evidence but this court closed the defence evidence after noting that several adjournments have been granted for defence evidence. It is further submitted that the previous counsel has submitted wrongly before the court that the settlement has arrived at between the parties. However, it is submitted that defendant was present in person on 07.11.2025, objected to the same and informed this court that there was no settlement between the parties. It is submitted that now the defendant has changed his counsel and that in the interest of justice, order dated 07.11.2025 be recalled and the defendant be given an opportunity to lead defence evidence.*

Per-contra, it is submitted on behalf of plaintiff that present application is vexatious, frivolous and is based on entirely false facts. It is submitted that on 07.11.2025, it was defendant himself who had submitted before this court that settlement has been arrived. Further, it is submitted that the present application is filed only with the intention to delay the present case.

Heard.

This suit was filed in the year 2016. It is a matter of record that the present matter is pending for defence evidence since 05.04.2023. Since then, repeated adjournments have been sought on behalf of the defendant on different grounds on 24.07.2023, 14.09.2023, 19.10.2023, 19,12,2023 and 14.05.2024. On 18.03.2025, it was specifically mentioned by the Ld Predecessor of this court, that if no settlement arrived at, the defence evidence be led. On the next date of hearing, 30.07.2025, again adjournment was sought on behalf of defendant on the ground that the matter is likely to be settled. On the next date of hearing, i.e 07.11.2025, it was the defendant who submitted before this court that the settlement has taken place between the parties. It was only on being further questioned that he submitted that no settlement arrived between the parties and that he only had an oral conversation with earlier counsel regarding the settlement. Thus, it is clear that the submissions made in this application on affidavit are false. It was the defendant only who had made the submissions before this court regarding the settlement and not his previous counsel.

In these circumstances, this court finds that this application is frivolous and vexatious and is thus, dismissed.

At this stage, the counsel for the defendant has submitted that this application should not be called frivolous as it was filed in the interest of justice.

In the opinion of this court, justice should serve both to the plaintiff and the defendant. In this case as already stated number of adjournments have been sought on behalf of defendant and today also false submissions by way of the present application has been made before this court. Thus, the interest of justice should serve the interest of the plaintiff.

At this stage, adjournment is sought on behalf of counsel for the defendant stating that as he has been recently engaged, he has not read the file and the matter be adjourned for today. Counsel has submitted that he is practicing in Supreme court and several opportunities are being given in the Supreme Court for arguments in the interest of justice.

Despite the high pitch tone of the Ld counsel, he has been very calmly advised that the conduct of the defendant does not justify that the present matter be delyed any further and thus his submissions cannot be accepted specially looking at the fact that the case pertains to the year

2016.

At this stage, counsel for the defendant has been asked to argue this case at 2pm or 3pm or even 4pm today itself. He has expressed his inability to address his arguments today.

The arguments will be heard today only.

At this stage, Ld counsel for defendant has submitted that he will not argue this case and court is free to hear arguments.

Part arguments heard on behalf of the plaintiff.

At this stage, adjournment sought on behalf of counsel for the plaintiff for seeking certain clarifications from the plaintiff. It is submitted by the counsel that he has been recently engaged.

In these circumstances of this case, adjournment is allowed. Only one opportunity is given.

Put up for further final arguments on ***02.12.2025 at 11am****.*

The counsel for the defendant is at liberty to address his final arguments on the NDOH."

6. As noted in the impugned order by the learned trial court, the petitioner/defendant had been protracting the trial for more than two years on one or the other pretext. On 18.03.2025, the trial court specifically held that if no settlement was arrived at by the next date, evidence of petitioner/defendant shall be led. But on the next date, 30.07.2025, once again adjournment was sought by the petitioner/defendant under the pretext of likelihood of settlement. Thereafter on 07.11.2025 the petitioner /defendant falsely stated before the trial court that matter stood settled and that statement was also made in the application on affidavit, filed before the learned trial court. It is only after some further questioning that the petitioner/defendant retracted his statement and submitted that the settlement had not taken place and explained that he only had a verbal discussion with his erstwhile counsel regarding settlement.

7. Considering the above circumstances in the backdrop of limited scope

of jurisdiction of this Court under Article 227 of the Constitution of India, I find no infirmity, much less any perversity in the impugned order that would call for interference of this Court.

8. But before parting with this case, I also find it apposite to highlight the conduct of learned counsel for petitioner/defendant before the trial court.

8.1 In the recent past, it is being observed that when there is no case on merits or the judge concerned is not indulgent and ensures that neither party is able to protract the proceedings, efforts are done by some (*though thankfully not all*) lawyers to somehow overawe the judge, especially a judge in the District Courts.

8.2 In the present case, it is highly deplorable that despite being asked to calm down, learned counsel for petitioner/defendant continued to address in high pitch, stating that he is practicing in Supreme Court. Not just this, when offered passovers so that final arguments could be heard on the same day, learned counsel for petitioner/defendant audaciously stated that he would not argue the case and that the court is free to hear arguments.

8.3 At this stage of dictation, learned counsel for petitioner/defendant contends that he never refused to address arguments before the trial court. But if that was so, it remains unexplained as to why he did not address final arguments on being called upon.

8.4 In my considered view, the supervisory jurisdiction under Article 227 of the Constitution of India must also include a duty vested in this Court to

supervise and ensure that decorum in the District Courts also is not dented in any manner. A judge is a judge, wherever she/he is placed in the judicial hierarchy and cannot be treated in the manner as was done in the present case.

9. In the course of dictation at this stage, learned counsel for petitioner/defendant expresses remorse over his conduct before the trial court, and on instructions of his client present in courtroom seeks permission to withdraw this petition instead of the same being dismissed on merits.

10. Therefore, the petition and the accompanying applications are dismissed as withdrawn. Copy of this order be sent to the learned trial court.

GIRISH KATHPALIA

Digitally signed by GIRISH KATHPALIA
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GIRISH KATHPALIA
(JUDGE)

NOVEMBER 28, 2025/*dr*