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

Date of Decision : 03rd February, 2026

+ CM(M) 1119/2018

SUSHILA SOMANI

.....Petitioner

Through: Mr. Gaurave Bhargava, Adv.

versus

KIRAN SOMANY & ORS

.....Respondents

Through: None.

CORAM:

HON'BLE MR. JUSTICE RAJNEESH KUMAR GUPTA

ORDER (Oral)

Rajneesh Kumar Gupta, J.

1. This hearing has been conducted through hybrid mode.
2. The present petition has been filed by the petitioner under Article 227 of the Constitution of India, 1950 assailing the order dated 13th August, 2018 passed by the learned trial court in Civil Suit No. 98/17, whereby the evidence of the petitioner/defendant has been closed.
3. Nobody has appeared on behalf of the respondents.
4. I have heard the learned counsel for the petitioner and perused the record.
5. Learned counsel for the petitioner has argued that the trial Court has closed the petitioner's evidence at the very first opportunity. It is further submitted that if the petitioner is not granted a further opportunity to lead evidence, grave injustice would be caused to the petitioner.
6. Perusal of the record shows that the evidence of the



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respondent/plaintiff was closed on 24th May, 2018 and thereafter the matter was fixed for the evidence of the petitioner for 13th August, 2018. On 13th August, 2018, as no witness was present, the evidence of the petitioner was closed.

7. Keeping in view the fact that only one opportunity has been granted to the petitioner to lead her evidence, this Court is of the opinion that it would be in the interest of justice to grant one more opportunity to the petitioner to lead her evidence.

8. Accordingly, the impugned order dated 13th August, 2018 is set aside, and the petitioner is granted one more opportunity to lead her evidence.

9. Accordingly, the present petition is disposed of. Pending application(s), if any, also stand disposed of.

RAJNEESH KUMAR GUPTA, J

FEBRUARY 03, 2026/sds/isk