

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.9400 OF 2026
(Arising out of S.L.P.(Civil) No.10343 of 2026)

MOH. ABRAR

... APPELLANT(S)

VS.

M/S PARMAN BUILDCON PVT. LTD. & ANR.

... RESPONDENT(S)

O R D E R

1. Leave granted.
2. Heard Mr. Gaurav Kejriwal, learned counsel appearing for the appellant.
3. The respondents, though served, are not appearing.
4. The present appeal calls in question the correctness of the order dated 19th January, 2026 passed by the High Court of Madhya Pradesh at Indore in Miscellaneous Petition No.35 of 2022. By the said order, the High Court confirmed the order of the III Civil Judge, Class-I, Mhow, District Indore, Madhya Pradesh in Civil Suit No.99A of 2018 whereby an application filed under Order XVI Rule 1 of the Code of Civil Procedure, 1908 by the appellant was dismissed. In the said application, the appellant wanted to summon 14 witnesses.
5. Being aggrieved, the appellant is before us.

6. When the matter came up for hearing before this Court on 25th March, 2026, the following order was passed:

"1. Heard Mr. Gaurav Kejriwal, learned counsel for the petitioner.

2. Learned counsel for the petitioner submits that his client wants to examine the following witnesses:

1. Mrs.Madhuri Rawat wife of Shri Sunil Rawat, resident of 42/3, R.R.Cat Colony, Indore, M.P.
2. Rajveer Singh son of Shri Geetam Singh, resident of 40, Hukumakhedi, Indore, M.P.
3. K.K.Thakur son of Shri Dindayal Resident of C-7/3, R.R.Cat Colony, Indore, M.P.
4. Chetan Singh son of Mr. Laxman Singh Chauhan r/o 94, Bhawanipur Colony, Indore, M.P.
5. Bhagwat Prasad son of Shri Badri Prasad, resident of 97-E, Rajender Nagar, Indore, M.P.

3. According to learned counsel for the petitioner, such examination will not cause any delay in disposal of the matter. It is further submitted that an issue in this regard, namely, issue No.6, has already been framed and the said witnesses are relevant for the fair disposal of the matter.

4. Issue notice, returnable on 20.04.2026.

5. Dasti, in addition, is permitted.

6. In the meantime, we permit the petitioner to make a request before the Trial Court to post the suit after 20.04.2026."

7. Having heard the learned counsel for the appellant and having perused the records, we are of the opinion that the appellant should be permitted to examine the five witnesses mentioned in the aforesaid order dated 25th March, 2026.

8. Let the Trial Court take steps to examine these witnesses in trial.

9. To the extent indicated above, the appeal is allowed in part and the impugned order of the High Court is set aside.

.....J.
(K.V.VISWANATHAN)

.....J.
(ARUN PALLI)

NEW DELHI;
July 24, 2026

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (C) No(s). 10343/2026

[Arising out of impugned final judgment and order dated 19-01-2026 in MISCP No. 35/2022 passed by the High Court of Madhya Pradesh at Indore]

MOH. ABRAR

Petitioner(s)

VERSUS

M/S PARMAN BUILDCON PVT. LTD. & ANR.

Respondent(s)

(IA No. 83120/2026 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT

IA No. 83124/2026 - EXEMPTION FROM FILING O.T.)

Date : 24-07-2026 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE K.V. VISWANATHAN

HON'BLE MR. JUSTICE ARUN PALLI

For Petitioner(s) :

Mr. Gaurav Kejriwal, Adv.
Mr. Lal Pratap Singh, Adv.
Mr. Ashutosh Nimgoankar, Adv.
Mr. Arjun Aggarwal, AOR
Mr. Vishal Singh, Adv.

For Respondent(s) :

UPON hearing the counsel the Court made the following
O R D E R

1. Leave granted.
2. The appeal is allowed in part in terms of the signed order.
3. Pending applications shall also stand disposed of.

(ANITA MALHOTRA)
DEPUTY REGISTRAR

(MANOJ KUMAR)
COURT MASTER

(Signed order is placed on the file.)