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CS No. 3047/16

ANU JAIN Vs. ANIL GHAI ETC.

06.05.2025

Present : Sh. Vinay Mishra, Sh. Anand Nagar and Ms. Sabi Gupta, Ld. Counsel for the plaintiff.
Sh. Amit Kumar, Sh. Deva Singh Shukla, Sh. Ashish Verma and Sh. Atul Mishra, Ld. Counsel for the LRs of deceased defendant no. 1 and for defendant no. 2 alongwith defendant no. 2.

PW-2/ Sh. Manoj Kumar Jain is examined and partly cross-examined. His further cross-examination is deferred for the reason mentioned in the testimony.

During tendering of affidavit of PW-2, Ld. counsel for LRs of deceased defendant no. 1 and for defendant no. 2 objected to certain paragraphs of evidence by way of affidavit of PW-2 being beyond pleadings.

Objection of Ld. counsel for LRs of deceased defendant no. 1 and for defendant no. 2 has been recorded in the testimony of PW-2.

It is seen that issue of whether certain paragraphs in the evidence by way of affidavit of PW-2 is beyond pleadings can be decided after trial of the matter upon considering all facts and documents on record. Therefore, the said objections of LRs of deceased defendant no. 1 and defendant no. 2 qua para no. 5, 7, 8, 9, 17, 18, 19, 20, 22 and 25 of evidence by way of affidavit of PW-2 and the deposition qua additional demand of INR 10

lakhs made by the defendant shall be decided at the time of final adjudication of the present suit.

In terms of the aforesaid observation, **application under Section 151 of CPC filed on behalf of LRs of deceased defendant no. 1 and for defendant no. 2 for striking off certain paragraphs in the evidence by way of affidavit of PW-2 being beyond pleadings stands disposed off.**

Today, reply to application under Order XXXVIII Rule 5 of CPC is filed on behalf of the defendants. Copy supplied.

Put up for further cross-examination of PW-2/ arguments on application under Order XXXVIII Rule 5 CPC on **06.06.2025 at 2:00 PM.**

(SOMITRA KUMAR)
DJ-06, EAST/ KKD COURTS
DELHI/06.05.2025 ^(R)