

20.07.2026

Present: Mr. M.L.Sharma, Ld. Counsel for plaintiff with plaintiff.
Mr. Amir Khan, Ld. Counsel for D-1 and D-2 with said defendants.

IA No. 1/26 (plaintiff's application U/O XIX Rule 3, 5 and 6 (b) CPC) praying for rejection of affidavit in evidence of the defendants.

1. Copy supplied.
2. At the outset, counsel for plaintiff submitted that the application moved today should be read as confined to affidavit in evidence of Pankaj Singh/D-2W1. He argues that in the affidavit in evidence filed by the above witness, various paragraphs are mentioned which are essentially legal paragraphs and thus, they should be ordered to be struck off from the affidavit in evidence.
3. It is to be noted that the objection taken today has been taken after the witness Pankaj Singh/D2W1 has already tendered his affidavit in evidence on 23.04.2026 and after his part cross-examination was done by the Counsel. Counsel pointed out to Order XIX Rule 3, 5 and 6(b) CPC arguing that the Court can order redaction/striking out of such paragraphs which are mere reproduction of pleadings or contain legal grounds only. It is his argument that the said power can be exercised at any stage including during ongoing cross-examination of a witness.
4. In my humble opinion, if the power U/O XIX Rule 5 CPC (redacting or rejecting evidence) or U/O XIX Rule 6 (b) CPC (striking out of portions of an affidavit in evidence) are

exercised during an ongoing cross-examination, it shall mean that the Court is reading into the evidence affidavit of a party when the trial is ongoing. Once the plaintiff had not taken any objection qua the affidavit in evidence when it was tendered in evidence and a part cross-examination has been done, rejecting/redacting/striking out any portions of such an affidavit in evidence would prejudice the other party as the said party would not have had the opportunity to rectify/correct his affidavit in evidence in light of the above provisions. The intention of the legislature under the aforesaid provisions appear to be force a party to confine his evidence limited to his own knowledge and any hearsay evidence or reproduction of pleadings is to be avoided. If the plaintiff had any objection to the evidence of Pankaj Singh/D2W1, nothing prevented the plaintiff from raising the said objections when the affidavit in evidence of the said witness was sought to be tendered.

5. As per record, no such objection was taken at that stage.
6. Considering the above, in my humble opinion, the application is misconceived. It is dismissed.
7. List for cross-examination of Pankaj Singh/D2W1 on 05.10.2026.
8. Dasti.

Aashish Gupta
DJ-01/NE/KKD/DELHI
20.07.2026