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

+ **TEST.CAS. 57/1996**

SH. PRADYUT KAR

..... Petitioner

Through Mr. L. K. Garg, Advocate

versus

STATE

..... Respondent

Through Mr. Pradeep K. Dubey and Mr.
Dushyant Kumar, Advocates for R-4
to R-6

CORAM:

SH. RAJESH KUMAR SINGH (DHJS), JOINT REGISTRAR

ORDER

% **13.01.2017**

IA No. 2263/2016 (filed by petitioner under Section 152, 153 CPC)

With the consent of learned counsel for the parties, the IA is kept pending and it may be argued at the stage of final arguments.

TEST.CAS. 57/1996

Learned counsel for the respondents No.4 to 6 submits that petitioner was permitted to lead evidence subject to cost of ₹25,000/- out of which ₹15,000/- was to be deposited in PM Relief Fund. There was also a prior cost of ₹25,000/- which was to be deposited in PM Relief Fund. Learned counsel for respondents No.4 to 6 submits that factum of deposit of the cost is not mentioned in any of the ordersheet. On instruction, learned counsel for petitioner submits that cost has been deposited. Learned counsel for petitioner further submits that in case any cost remains to be deposited, it will be



deposited before the next date.

Learned counsel for respondents No.4to6 may proceed with the cross examination of PW4. Petitioner will submit the proof of cost before the next date. Cross examination of PW4 completed and he is discharged. By separate statement, learned counsel for petitioner has closed PE in affirmative. Learned counsel for respondents submits that he wants to file fresh affidavit of witnesses as the earlier affidavit was filed when right of the petitioner to lead evidence was closed. Learned counsel for petitioner has objection. The affidavits already filed by the respondents will be on record. If the petitioner wants, the respondents may be confronted with the contents of the affidavit which are already on record. Ideally, the stage of filing of the affidavit of evidence by the respondent was after conclusion of the evidence by the petitioner. Therefore, I permit the respondents to file fresh affidavits. Affidavit of evidence be filed by the respondents within eight weeks with advance copy to learned counsel for petitioner.

Adjourned to 30th and 31st March, 2017 for RE.

RAJESH KUMAR SINGH (DHJS)
JOINT REGISTRAR

JANUARY 13, 2017
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