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

+ **TEST.CAS. 58/2019**

VARUN KHULLAR

..... Petitioner

Through: Mr. Rohit Nagpal, Adv

versus

STATE AND ORS.

..... Respondents

Through: Ms. Shyel Trehan & Mr. Raghav Anand,
Advs for R3 & 4.

CORAM:

MS. VANDANA JAIN (DHJS) JOINT REGISTRAR(JUDICIAL)

ORDER
% **23.05.2022**

No PW present.

Learned counsel for petitioner seeks for pass over for 12:30
PM.

VANDANA JAIN (DHJS)
JOINT REGISTRAR(JUDICIAL)

At 12:30 PM.

Witness still not present. Be awaited.

VANDANA JAIN (DHJS)
JOINT REGISTRAR(JUDICIAL)



At 12:48 PM

Matter is listed for recording of evidence of PW1- Mr. Varun Khullar. However, perusal of the record shows that two affidavits of evidence have been filed by witness, one in the year 2014 and another is of 2018 respectively. The first affidavit has already been tendered on 31.03.2014.

Learned counsel for petitioner submits that at the time when first affidavit was filed, respondents were ex parte.

After reply to the petition was filed by respondents, second affidavit came to be filed in the year 2018, the said affidavit is yet to be tendered. In view of the submissions made by learned counsel for petitioner, first affidavit of evidence filed in the year 2014 is taken off the record and shall not be read in evidence. The second affidavit which was filed in the year 2018 shall be taken into consideration.

PW1- Mr. Varun Khullar has turned up.

At this stage, after perusing the file, learned counsel for petitioner submits that witness has not brought the originals as he is not feeling well and has not come directly from his home and therefore, seeks an adjournment.

Learned counsel for respondents has vehemently opposed the adjournment as she is waiting for the witness since morning and yesterday also her associate called the counsel for petitioner to check the availability of witness and he was informed that witness would be coming for his cross-examination.



It is the duty of learned counsel for petitioner to inform his client/witness to bring all the original documents which appears to be lacking in this case. However, in the interest of justice, one last and final opportunity is granted to tender the affidavit of evidence of PW1 as well as for his cross examination.

Put up for PE on 08.09.2022.

VANDANA JAIN (DHJS)
JOINT REGISTRAR(JUDICIAL)

MAY 23, 2022
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