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

+ CM(M) 1196/2019 & CM APPL. 36381-36383/2019

KRISHAN DAYAL SHARMA Petitioner
Through: Mr.Siddharth Aggarwal, Advocate

versus

ANITA KAUSHIK & ORS Respondents
Through: None.

CORAM:
HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER
14.08.2019

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1. Learned counsel for the petitioner has cited the judgment of the Supreme Court in *Baldev Singh and Ors. vs. Manohar Singh and Ors.* (2006) 6 SCC 498 [paragraph 16] in support of his contention that mere filing of the affidavit of evidence of the witness does not amount to commencement of trial within the meaning of the proviso to Order VI Rule 17 of the Code of Civil Procedure, 1908 ["CPC"]. He has also referred to the judgments of Coordinate Benches of this Court in *Raj Rani & Anr. vs. Sumitra Parashar & Anr.* 2014 (141) DRJ 623 and *Shivraj Gupta and Ors. vs. The Registrar of Societies and Ors.* 259 (2019) DLT 33 in support of this contention, as well as the Division Bench decision of the Calcutta High Court in *Sree Sree Iswar Radha Behari Jew and Sree Sree Iswar Salgram Jew vs. Malati P. Soni* AIR 2019 Cal 131.

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However, the judgment of the Supreme Court in *Mohinder Kumar Mehra vs. Roop Rani Mehra And Ors.* (2018) 2 SCC 132 has been put to counsel, which suggests that the commencement of trial for this purpose is on the date the issues are framed.

2. Learned counsel for the petitioner seeks some further time to study the judgments on this aspect.
3. List on 08.11.2019.

PRATEEK JALAN, J

AUGUST 14, 2019
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