



\$~19 & 20

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

+ CS(OS) 1194/2003

JYOTI WAZIR & ORS.

..... Plaintiffs

Through:

versus

DEEPAK KHOSLA & ORS.

..... Defendants

Through:

+ TEST.CAS. 43/2006

LT.COL.(RETD) GURVACHAN

SINGH AND ANR

..... Petitioners

Through:

versus

STATE

..... Respondent

Through:

Appearances:

Mr. Siddharth Yadav, Sr. Advocate with Mr. Narender, Advocate for plaintiff and petitioners.

Mr. Raman Kapur, Sr. Advocate with Mr. Manish Kumar, Mr. Varun Kapur, Ms. Shruti Verma, Ms. Aparajita Jha, Mr. Rohit Dhiman, Mr. Aakrishit Kalra, Advocates for D-1 to 3.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

%

25.04.2024

1. CS(OS) 1194/2003 is pending for decision on the following questions identified in the judgment of the Division Bench dated 18.01.2024 in FAO(OS) 100/2022:

“6. A perusal of the aforesaid observations made in the impugned order in essence holds that the learned Single Judge will address his/her mind to the aspect as to whether the issues which are already



framed cover the amended complaint or whether additional issues need to be framed.

7. In our opinion, in case additional issues are framed, parties should have liberty to lead evidence qua the same, provided the evidence already led does not cover the issue(s) and pleadings available on record prior to the amendment of the plaint.”

2. The contention of Mr. Raman Kapur, learned counsel for defendant Nos. 1 to 3 is that the amended complaint and additional written statement raise certain issues, which are additional to the issues framed by order dated 26.09.2011.

3. Mr. Siddharth Yadav, learned Senior Counsel for the plaintiffs, contests this position and, in any event, submits that the evidence covers all the issues raised in the amended pleadings.

4. In order to determine this question, Mr. Kapur is requested to place a note proposing additional issues, with reference to the pleadings which have been added in the amended complaint and the additional written statement. He is also requested to clarify as to whether, according to him, further evidence is required to adjudicate those additional issues. The note be filed within two weeks from today, with a copy to learned counsel for the plaintiffs.

5. Mr. Yadav is requested to file a note in response, within two weeks thereafter. If it is his contention that the proposed additional issues are already covered by the evidence on record, he will identify that evidence in his note.

6. List for directions on 22.05.2024.

PRATEEK JALAN, J

APRIL 25, 2024

‘Bhupi’/