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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CS(COMM) 241/2016 & IA No.3720/2016 (under Order XXXIX
Rules 1&2 CPC)
SONDEEP SHANKAR Plaintiff

Through: Ms. Gunjan Arora, Adv.

Versus

ASSOCIATED PRESS Defendant

Through: Mr. Pravin Anand, Ms. Geetanjali
Visvanathan & Ms. Asavari Jain,
Advs.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

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13.01.2017

IA No.487/2017 (of the plaintiff under Order XVI Rule 3 CPC)

1. The counsel for the defendant appearing on advance notice fairly states that he has no objection.
2. Allowed.
3. The application is disposed of.

IA No.488/2017 (of the plaintiff for clarification of issues)

4. It is the contention of the counsel for the plaintiff that the onus of issue No.(ii), while dictating the issues in the Court, was placed on the parties but has been recorded as on the plaintiff only.
5. The counsel for the defendant appearing on advance notice states that the application has been filed when the matter is listed for cross-examination of the witness of the plaintiff on Monday i.e. 16th January, 2017.



6. Though today it cannot be recollected whether it was so dictated or not as contended by the counsel for the plaintiff but all that can be observed is that the onus of the issue No.(ii) cannot be on the parties and necessarily has to be on the plaintiff only.

7. The counsel for the plaintiff then states that the defendant in response to the discovery sought had disclosed custody of 143 negatives in its New York office and 199 prints and negatives in its London office as having been clicked by the plaintiff and it be clarified that the issue No.(ii) pertains to the said photographs.

8. It is so clarified.

9. The application is disposed of.

CS(COMM) No.241/2016

10. The amended list of witnesses is taken on record.

11. The counsel for the defendant states that the plaintiff had earlier intended to examine himself only and now has added a witness; the defendant would not be able to cross-examine the plaintiff as scheduled on Monday i.e. 16th January, 2017 as the plaintiff may in the light of the cross-examination better the evidence of the witness now added.

12. The counsel for the plaintiff states that advance copy of the affidavit by way of examination-in-chief of the second witness shall be electronically delivered to the counsel for the defendant latest by tomorrow i.e. 14th January, 2017.

RAJIV SAHAI ENDLAW, J

JANUARY 13, 2017

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