



\$~22

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

+ **CS(COMM) 241/2016**

MR SONDEEP SHANKAR Plaintiff
Through: **Ms. Diva Arora, Advocate**

versus

ASSOCIATED PRESS Defendant
Through: **Mr. Pravin Anand, Ms. Geetanjali
Viswanathan, & Ms. Asavari Jain
Advocates for defendant**

CORAM:
HON'BLE MR. JUSTICE SUNIL GAUR

ORDER

% **25.07.2017**

I.A.8321/2017 (under Section 151 CPC)

By way of this application, defendant seeks permission to tender the evidence by way of affidavit of DW1 and to exhibit the documents filed alongwith the evidence.

Learned counsel for defendant submits that due to inadvertence, the evidence by way of affidavit of DW1 could not be tendered and the documents filed alongwith it could not be exhibited, but on the next date i.e. 19th July, 2017, permission was sought to do so, but it was objected to by plaintiff's counsel and this resulted in adjournment on 19th July, 2017.

Upon notice, learned counsel for plaintiff submits that for the lapse on the part of defendant, defendant be put to terms.

Upon hearing plaintiff's counsel, the application is allowed subject to costs of ₹10,000/- and the defendant is permitted to tender the evidence



of DW1 by way of affidavit and to exhibit the documents filed alongwith the said affidavit.

Costs be paid to plaintiff before tendering of the evidence of DW1 before learned Court Commissioner.

The application is accordingly disposed of.

CS(COMM) 241/2016

In view of order passed in I.A.8321/2017, list on 23rd August, 2017 before the Court Commissioner.

SUNIL GAUR, J

JULY 25, 2017

s