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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **TEST.CAS. 85/2011**
JATINDER NATH BAJAJ

..... Petitioner

Through : Mr.S.N.Choudhri and Ms.Shruti
Choudhari, Advocates.

versus

STATE

..... Respondent

Through : Mr.Arun Vohra and Ms.Aakriti
Vohra, Advocates for respondent
No.2.
Mr.Ankit Jain and Mr.Mohit Gupta,
Advocates for respondent No.3.

CORAM:

HON'BLE MR. JUSTICE YOGESH KHANNA

ORDER

% **07.11.2017**

IA No.7898/2017

The learned counsel for respondent No.3 moves this application for return of the affidavit of PW2 on the ground that some of the contents therein are beyond pleadings and issues and being not relevant for the issues framed in this case.

The learned counsel for respondent No.3 submit that vide order dated 25.03.2014 certain issues which were proposed by the petitioner in this case were rejected by this Court on the ground that such issues were not relevant to decide the controversies involved in the suit. The petitioner preferred FAO (OS) against such rejection



but it was also dismissed. It is now stated the issues which were rejected, the pleadings thereof cannot be brought on record and hence to remove such pleadings this application has been filed.

On 18.07.2018, the respondent No.3/applicant was directed to file an affidavit indicating the portions on which he has objections and such additional affidavit was to be supplied to the learned counsel for petitioner, so that the petitioner could reply.

Though such additional affidavit has since been filed by the respondent No.3, but copy thereof has not been supplied to the learned counsel for petitioner. Be supplied during the course of the day. Reply be filed by the petitioner within two weeks with an advance copy thereof to the learned counsel for applicant.

List on 15.12.2017.

YOGESH KHANNA, J

NOVEMBER 07, 2017

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