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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CS(COMM) 1130/2016**
AAP KI PASAND & ANR

.....Plaintiff

Through: Mr. Ashwin Kumar D.S.,
Ms. Manmeet Kaur Sareen,
Advocates

versus

HIMALAYAN LEAF PVT LTD

.....Defendant

Through: Ms. Aakanksha Nehra,
Mr. Shubham Jaiswal, Advocates

CORAM:
JOINT REGISTRAR (JUDICIAL) Dr. AJAY GULATI

ORDER

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09.01.2026

**I.A. No. 16055/2025 on behalf of the plaintiff for redaction/
rejection of the evidence affidavit of DW-1.**

1. Ld. Counsel for the plaintiff submits similar objections as have been raised in the present application, had also been raised to the affidavit in evidence of earlier witness DW-1 Ms. Sangeeta Chaudhary. Ld. Counsel highlighted that in respect of the affidavit of Ms. Sangeeta, on the objections raised by the plaintiff to certain *paras* of the same, a detailed order was passed by this Court on 14.03.2024. Subsequently, however, the witness was substituted and the present defence witness was brought in to depose. Ld. Counsel further submits that the affidavit in evidence of the substituted witness also contains the same *paras* with similar affirmations as were in the evidence affidavit of DW- Sangeeta Chaudhary and which had been objected to. It has thus been prayed that those *paras* be redacted from the affidavit



of DW Mr. Vijay Kr. Chaudhary (now solitary defence witness).
Ld. Counsel has further highlighted than in *para* 14 of the present
IA, a comparative table of the *paras* which have been objected to
in the evidence affidavit of the present witness with the ones
which were objected to in the affidavit of DW Ms. Sangeeta
Chaudhary, has been laid out which shows that except for change
in *para* nos., there is no change in the content of those *paras*.

2. In response, ld. Counsel for the defendant has also
highlighted the order dated 14.03.2024 wherein, after a detailed
observation in respect of the objected *paras*, this Court had
recorded that instead of directing redaction of the relevant *paras*,
those *paras* were being held to be beyond pleadings and
consequently, any objections in regard to those *paras* shall be
decided by the Hon'ble Court at the stage of final hearing. Ld.
Counsel admitted that the *paras* which had been objected to in
the affidavit of DW Ms. Sangeeta also form a part of the affidavit
of the present witness except for 1 *para* which was concerning
the averment / affirmation regarding a tea license. The said *para*
stands deleted from the affidavit in evidence of the present
witness. Ld. Counsel for the defendant thus highlighted that even
in regard to the affidavit of the present witness, instead of
directing redaction, this Court may record the same observation
as was recorded in the order dated 14.03.2024.

3. *I have carefully considered the rival submissions.*

4. This Court is in agreement with the approach suggested by
ld. Counsel for the defendant. Even otherwise, if in regard to
similar *paras* concerning the previous witness, redaction has not



been ordered, there is no reason to order it now. The approach adopted in the order dated 14.03.2024 for not directing redaction and instead, to record that those *paras* are beyond pleadings, was based on a judgment of the Hon'ble High Court of Delhi. Consequently, adopting the same yard stick, it is observed that paras no. 4 to 10, 13, 15, 16, 18, 19 and 30 of the affidavit in evidence of DW Mr. Vijay Chaudhary are beyond pleadings and any objections thereto be put-forth before the Hon'ble Court at the stage of final hearing. **IA stands disposed off with above observations.**

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5. Matter has been listed today for recording of DE.
6. DW-1 Mr. Vijay Chaudhary is present. However, he is discharged unexamined for today as Court files are not traceable on account of shifting of the office of the concerned Branch. Registry is directed to trace the files and place the same on record before the next date.
7. Put up for recording of chief-examination of DW-1 on 27.04.2026.

Dr. AJAY GULATI
(DHJS),
JOINT REGISTRAR (JUDICIAL)

JANUARY 9, 2026/sk