

2
§-3&4

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

+ CM(M) 401/2015

HARJEET KAUR Petitioner
Through Mr. Vatsal Kumar, Mr. Amit
Choudhary, Advs.
versus

SOUTH DELHI MUNICIPAL CORPORATION Respondent
Through Mr. Shantanu Kumar, Adv.

+ CM(M) 403/2015

HARJEET KAUR Petitioner
Through Mr. Vatsal Kumar, Mr. Amit
Choudhary, Advs.
versus

SOUTH DELHI MUNICIPAL CORPORATION Respondent
Through Mr. Shantanu Kumar, Adv.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

% **26.05.2015**

The petitioner was plaintiff in the two suits being CS No. 47/12 and 46/12. Since the two suits were pertained to the parties but for different transactions, the evidence by way of affidavit of PW-1 Pappu Seth in the two proceedings got exchanged which fact was later realised after the evidence was tendered. Consequently, the petitioner filed applications under Section 151 CPC to place on record fresh affidavits of PW-1 Pappu Seth.

CM(M) Nos. 401/2015 & 403/2015 *page 1 of 2*

3

Learned counsel for the parties state that the proper course for the petitioner would be to place on record additional affidavits rectifying the earlier mistake and leading further evidence after seeking leave of the Court.

Having heard learned counsel for the parties leave is granted to the petitioner to lead additional evidence in both the suits whereby rectification of the earlier affidavit can be carried out and fresh evidence adduced, subject to a cost of ₹5000/- each to be paid to the SDMC.

Petitions are disposed of.


MUKTA GUPTA, J.

MAY 26, 2015

'ga'