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

+ CM(M) 752/2017 & CM No.25677/2017 (for stay)

SANT SINGH ARORA

..... Petitioner

Through: Mr. Neeraj Kumar Gupta, Adv.

Versus

VED PRABHA & ORS

..... Respondents

Through: Mr. Manu Nayar & Ms. Meenakshi
Bhatia, Advs.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

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24.08.2017

1. This order is in continuation of the earlier order dated 24th July, 2017.
2. Both counsels have since filed the copies of the trial Court record and the counsels have been heard.
3. What emerges is that the evidence which the respondents / plaintiffs want to lead in affirmative and to which objection is being taken by the petitioner / defendant by way of this petition can be led by the respondents / plaintiffs even as rebuttal evidence in response to the defence of the petitioner / defendant and qua which the onus is on the petitioner / defendant. That being the position, no ground for interfering with the order of the Additional District Judge allowing the respondents / plaintiffs to file a fresh affidavit incorporating the evidence to the said effect, in interference in exercise of powers under Article 227 of the Constitution of India, is made out
4. There is no merit in the petition.
5. Dismissed with costs of Rs.20,000/- to the counsel for the respondents / plaintiffs payable on the next date before the trial Court as a pre-condition to the petitioner / defendant participating in the suit.

RAJIV SAHAI ENDLAW, J.

AUGUST 24, 2017/'gsr'..