

\$~2

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

+ **CM(M) 95/2017 & CM No.3041-42/2017**

ANJU

..... Petitioner

Through

Ms.Sonam Anand & Mr.Manu Nayar,
Advocates

versus

BHIKHARI LAL & ANR

..... Respondents

Through

Mr.Alok Kumar, Mr.Neeraj Kumar
Gupta, Mr.Amit Kumar Singh &
Mr.Parth Awasthi, Advocates

CORAM:

HON'BLE MR. JUSTICE JAYANT NATH

ORDER

%

03.02.2017

CM No.3042/2017 (*exemption*)

Allowed subject to all just exceptions.

CM(M) No.95/2017 & CM No.3041/2017

1. By the present petition filed under Article 227 of the Constitution of India, the petitioner seeks to challenge the order dated 09.11.2016 by which evidence of the petitioner was closed.
2. At the outset, the learned counsel for the respondents submits that he has no objection in case DW Ms.Anju is allowed to tender her affidavit by way of evidence, copy of which has been supplied to the learned counsel for the respondent for cross-examination. He submits that the petitioner should remain bound by the statement made before the trial court on 28.09.2016 that the petitioner wants to examine DW Ms.Anju only.

3. Keeping in view the said submission, the present petition is allowed. All the pending applications are also disposed off accordingly. DW Ms.Anju is permitted to tender her affidavit by way of evidence and appear for cross-examination on a date so fixed by the trial court for the same. It is made clear that the petitioner shall not take any adjournment on that date.

4. Dasti.

JAYANT NATH, J.

FEBRUARY 03, 2017/v