

\$~ 2

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

+ C.R.P. 278/2017 and CM APPL.46726-46727/2017, Caveat 1112/17

SWARN SINGH

..... Petitioner

Through: Mr. Manav Gupta, Advocate with Ms.
Prabhsahay Kaur, & Mr. Sahil Garg, Adv.

versus

SURINDER KUMAR & ORS

..... Respondents

Through: Mr. Darpan Wadhwa, Sr. Adv. with Ms.
Jyoti Mendiratt, Mr. Aastik Dhingra, & Mr.
Toyesh Tewari, Advocates

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

ORDER

%

17.01.2018

After some hearing the counsel for the petitioner submits that he may be allowed to withdraw the present petition and the applications filed therewith and instead approach the trial Court with an appropriate application for reframing/recasting of issue no.1, which was framed on 19.11.2008, in as much as, per his submissions, the issue as framed lacks clarity, it not indicating the agreements set up by both sides. He submits that he may be given liberty to move a fresh application for permission to confront the first defendant in his testimony (as DW1) with the documents in question after a decision is taken on the application for reframing of the said issue, reserving all his contentions as urged in this petition.

The learned senior counsel on the other side, on instructions, submitted that he has no objection to the liberty as prayed being granted.

The petition and the applications filed therewith are dismissed as withdrawn with liberty as prayed for granted.

For removal of doubts, if any, it is clarified that this order will not be construed as grant of an order of re-framing the issue or of giving liberty to the petitioner to confront the first defendant with the documents in question. The contentions of all sides are reserved.

Dasti.

R.K.GAUBA, J.

JANUARY 17, 2018
vk