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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CM(M) 1363/2018**
VISHNU KUMAR

..... Petitioner

Through : Mr.G.P.Thareja, Advocate.

versus

JAMIL AHMED

..... Respondent

Through : Mr.Absar Ahmed, Advocate.

CORAM:
HON'BLE MR. JUSTICE YOGESH KHANNA

ORDER

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08.05.2019

This petition challenges the order dated 26.09.2018 whereby the petitioner herein was not allowed to place on record a CD which contain the photograph *Ex.PW1/R-21* and a certificate under Section 65-B of Indian Evidence Act.

It is the case of the petitioner, an evidence affidavit of the petitioner herein though contained a reference to the said CD but it was inadvertently not filed alongwith the affidavit of petitioner's witness. Later when this mistake was detected, an application was filed to bring on record the CD and a certificate under Section 65-B of Indian Evidence Act, which was declined vide the impugned order on 26.09.2018.

Since the photograph *Ex.PW1/R-21* is admitted by the respondent herein, hence the filing of such CD and certificate under Section 65-B of the Indian Evidence Act would not cause any

prejudice to the respondent herein. The CD and certificate aforesaid be taken on record subject to a cost of Rs.10,000/- to be paid to the learned counsel for the respondent herein before the learned Trial Court on the date fixed. The petitioner shall be allowed to prove the same as per law. Of course, the respondent herein shall have a right to cross-examine the petitioner on this account.

In the circumstances, the petition stands allowed. Copy of this order be communicated the learned Trial Court for information.

YOGESH KHANNA, J.

MAY 08, 2019

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