



\$~45

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CM(M) 1056/2025 & CM APPL. 35066/2025**

VINOD VISHT

.....Petitioner

Through: Mr. Bipin Kumar with Ms. Komal Jha,
Advocates.

versus

K.K MITTAL

.....Respondent

Through: None.

CORAM:
HON'BLE MR. JUSTICE MANOJ JAIN

ORDER
29.05.2025

%

1. Petitioner challenges the order dated 26.03.2025 whereby his application moved under Section 45 of Indian Evidence Act, 1872 (Section 39(1) of Bharatiya Sakshya Adhiniyam, 2023) has been dismissed.
2. Learned counsel for petitioner, in all fairness, submits that when the application was filed, the facts were not properly mentioned, which resulted in dismissal of his application.
3. After hearing arguments for some time, learned counsel for petitioner does not press the present petition and submits that he would make appropriate application afresh while incorporating the requisite details in such application.
4. In view of the above, the present petition is disposed of as not

CM(M) 1056/2025

1



withdrawn.

5. Liberty, as prayed, is granted.

6. As and when any such application is filed before the learned Trial Court it would consider the same without getting prejudiced by the impugned order dated 26.03.2025.

7. All rights and contentions of the parties are, however, reserved.

8. It also needs to be clarified that this Court has not made any observation about merits of any such proposed application and it will be entirely upto the learned Trial Court to take appropriate decision thereupon, in accordance with law.

MANOJ JAIN, J

MAY 29, 2025/sw/PB