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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**  
+ **FAO(OS) 1/2020, CM APPL. 179/2020 & CM APPL. 42815/2021**  
**NARINDER NATH VERMA & ANR.** .....Appellants

Through: Ms. Beena shaw N. Soni, Ms. Kalyani  
Malhotra & Ms. Ann Joseph, Advs.

versus

**STATE & ORS.** .....Respondents

Through: Mr. Siddharth Arora, Adv. for Mr.  
Anubhav Gupta, (PC) for R-1.  
Mr. Ankur Mahindro, Adv. for R-2 to  
R-4.

**CORAM:**  
**HON'BLE MR. JUSTICE VIVEK CHAUDHARY**  
**HON'BLE MS. JUSTICE RENU BHATNAGAR**

**ORDER**

% **24.02.2026**

1. The present appeal has been filed under Section 10 of Delhi High Court Act read with Order XLIII Rule 1 of the CPC, seeking to set aside the Order dated 22.07.2019 passed by the learned Single Judge in I. A. No.14779/ 2018 in Test Case No. 14/2003 titled as "**N. N. Verma v. State & Ors.**", and also seeking a direction to Respondent No.4 to delete paragraphs 4, 5 and 8 from the affidavit- in-chief and to file a fresh affidavit of evidence.
2. We have heard learned counsel for the parties and perused the record.
3. The principal grievance urged by the Appellants is that certain portions of the affidavit-in-chief filed by the Respondents, which allegedly pertain to the title of the suit property, were not directed to be deleted by the learned Single Judge while passing the order dated 22.07.2019.
4. It is contended that the retention of such portions may, at a later stage, create confusion and enable the Respondents to advance arguments touching upon the title of the suit property, though the same is not in issue in the present



proceedings.

5. A perusal of paragraph 7 of the said order dated 22.07.2019 passed by the learned Single Judge makes the position abundantly clear. The said paragraph reads as under:

*7. The objected testimony of the witnesses will not be read to decide title of the property, however, at the same time it cannot be said that it is ex-facie irrelevant. I do not find any ground or reason to allow the prayer sought in the present application, accordingly the same is rejected. The Petitioner's objection has been taken note of and shall be considered at the stage of final hearing. Petitioner is directed to proceed further with the cross examination of witness Mr. Surendra Nath Verma”*

6. The opening sentence of the aforesaid paragraph unequivocally clarifies that the objected testimony shall not be read for the purpose of deciding the title of the property. The apprehension expressed by the Appellants, therefore, is misconceived. The order leaves no room for ambiguity that title is not to be adjudicated in the present proceedings, nor shall any evidence be relied upon for that purpose.

7. It follows that even if any evidence touching upon title is brought on record, the same shall not be taken into consideration while determining the rights of the parties in the present matter.

8. The subsequent observation in paragraph 7, to the effect that the testimony “*at the same time it cannot be said that it is ex-facie irrelevant*” is clearly referable to issues other than that of title and cannot be construed as enlarging the scope of the controversy.

9. It is further clarified that the cross-examination shall be confined strictly to the issues framed in the suit, and no party shall be permitted to



traverse beyond the scope of such issues.

10. In view of the aforesaid clarification, no interference with the impugned order is warranted. The appeal stands disposed of accordingly. All pending applications, if any, also stand disposed of.

**VIVEK CHAUDHARY, J**

**RENU BHATNAGAR, J**

**FEBRUARY 24, 2026/pk/kp**