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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 12072/2019 & CM APPLs. 49462/2019 & 25815/2021**

KBT PLASTICS PVT LTD Petitioner
Through: Mr. Rachit Batra, Advocate.
(M:9818383584)

versus

RAJENDER SINGH Respondent
Through: Mr. Sumit Kumar and Mr. Jaiwant
Patankar, Advocates with Respondent
in person. (M:9810603901)

CORAM
JUSTICE PRATHIBA M. SINGH

ORDER
% **01.10.2021**

1. This hearing has been done through hybrid mode.
2. The Respondent has appeared in person today, and submits that the signatures in the affidavit, supporting the application for litigation expenses, are not his signatures. He submits that at the time when the application was to be signed, he had hurt his right hand and thus, had asked his friend Mr. Gurpreet Singh to sign on his behalf.
3. The Id. Counsel for the Respondent, Mr. Sumit Kumar, has also identified the deponent's signature without considering as to who had signed the affidavit. It is also not clear as to who appeared before the Oath Commissioner.
4. One Mr. Aman Yadav, the court clerk of the Respondent's counsel states that he is an individual clerk who works for various lawyers. He submits that the Aadhar card number of the Respondent was given to the Oath Commissioner.

5. From the above facts, it is clear that the deponent of the affidavit, in fact, did not sign the affidavit in support of the application seeking litigation expenses, at all. The Id. Counsel appearing for the Respondent has also misleadingly identified the deponent having signed the affidavit, as the affidavit was not signed in his presence. When confronted with the same, he apologises to the Court.

6. The practice of filing affidavits without actual/proper signatures of the deponent, the Id. counsel identifying the same in spite of the deponent not having signed in front of him, and the Oath Commissioner attesting the affidavit without the deponent being present, ought to be deprecated.

7. Repeatedly, Courts have observed that such practices are being followed by counsels, court clerks, as also litigants. This would clearly be contrary to the provisions of the Advocates Act 1961, Oaths Act, 1969, and various other statutes.

8. Accordingly, let the original application for litigation expenses, along with the original affidavit, which has been attested by the Oath Commissioner, be handed over to the Court Master, and the same be taken on record.

9. List on 7th October, 2021.

PRATHIBA M. SINGH, J.

OCTOBER 1, 2021/dk/Ak