

27.11.2024

Present : Sh. Brijesh Singh, Sh. Rajeev Kapoor and Ms. Shalini Rawat,
Ld. Counsel for the plaintiff alongwith plaintiff.
Sh. Himat Akhtar, Ld. Counsel for the defendant no. 1 and 2
and also for LR no.4/Sh.Manjeet Singh, LR no.6/Ms. Jyoti, LR
no.7/Kiran Kaur @Mari of deceased defendant no. 3 alongwith
Sh. Kuldeep, son of defendant no. 2.
None for other LRs of deceased defendant no.3.

Matter is fixed for filing appropriate application seeking
permission of the court to allow GPA holder / Sh. Kuldeep Singh to depose
on behalf of the defendants no. 1 and 2.

However, Ld. Counsel for the Ld. Counsel for the defendant
no. 1 and 2 and also for LR no.4/Sh.Manjeet Singh, LR no.6/Ms. Jyoti, LR
no.7/Kiran Kaur @Mari of deceased defendant no. 3 requests that
application under Order XLVII under Section 114 r/w Section 151 CPC be
disposed off first.

Arguments heard. Record perused.

By way of order dated 21.08.2024, the application moved on
behalf of defendants under Section 151 CPC was allowed and Sh. Kuldeep
Singh was permitted to depose as defendant's witness.

In the said order dated 21.08.2024, no permission was granted
to Sh. Kuldeep Singh that he may depose in place of or on behalf of
defendant no. 1 and 2.

Therefore, in order to avoid any confusion, it is clarified that vide order dated 21.08.2024 Sh. Kuldeep Singh was permitted to depose as defendant's witness and no permission was granted to Sh. Kuldeep Singh to depose in place or on behalf of defendant no. 1 and 2.

In terms of the aforesaid observation, the application under Order XLVII under Section 114 r/w Section 151 CPC filed on behalf of plaintiff stands disposed off as allowed.

In order to seek permission of the court to allow Sh. Kuldeep Singh to depose in place of or on behalf of defendants due to defendants' ill health, Sh. Kuldeep Singh who is GPA holder of defendant no. 1 and 3 is at liberty to move appropriate application.

Put up for filing appropriate application/further proceedings on 04.12.2024.

(SOMITRA KUMAR)
DJ-06,EAST/ KKD COURTS
DELHI/27.11.2024 (s)