

Civil Suit No. 5749/16

Subhash Upadhyaya vs. Kiran Arora & Anr.

02.08.2017

PRESENT: Sh. M.L. Sharma, Counsel for the plaintiff.
Sh. Prabhu Dayal, Counsel for the defendants along with
defendant.
Sh. Rohit Kataria, Local Commissioner appointed by this
court to report the evidence of the witnesses.

An application under Section 151 CPC filed on behalf of
defendant No.2. Copy supplied.

Ld. Counsel for the defendants submits that Sh. M.L.
Sharma, Advocate, who is now representing the plaintiff, was earlier
Counsel of the defendants in the connected suit titled as 'Radhey Shyam
vs. Anand Swaroop Arora & Ors.' Ld. Counsel further submits that
Sh. M.L. Sharma, Advocate is aware about the defence of the defendants,
therefore, he cannot appear on behalf of the plaintiff.

Sh. M.L. Sharma, Counsel for the plaintiff submits that he
was never the Counsel of defendants in the present suit and he had
already withdrawn his Vakalatnama from the connected suit, therefore,
the plaintiff has every right to engage his services.

Heard. Record perused. Perusal of record reveals that
Sh. M.L. Sharma, Advocate has never appeared in the present case on
behalf of the defendants and he had also withdrawn his Vakalatnama in
another matter, therefore, I do not find any ground to ask Sh. M.L.
Sharma, Advocate not to represent the plaintiff in the present suit.

With these observations, **the application under Section 151
CPC filed on behalf of the defendant No.2 is dismissed.**

Affidavits of Sh. Rajesh Narula and Sh. Ghan Shyam Joshi
for evidence are filed on behalf of the plaintiff. Copy supplied.

The parties are directed to contact Sh. Rohit Kataria, Advocate/Local Commissioner and fix dates and time as agreed between them in consultation of the Local Commissioner for recording of evidence.

Ahlmad is directed to carry the file to the room of Local Commissioner in Advocates Chamber Block, Saket Courts, New Delhi, on the dates as agreed between the parties.

Put up for PE/Report on **13.10.2017**.

(PRITAM SINGH)
ADJ-04 (South)
Saket Courts/New Delhi
02.08.2017