

\$~44

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **CS(OS) 186/1980, I.A. 1288/1990, I.A. 5025/1996, I.A. 2061/1997,
I.A. 13225/2000, I.A. 7217/2002, I.A. 12670/2018& I.A. 7272/2019**

TARUN KUMAR

..... Plaintiff

Through: Mr. K.K. Buchar, Advocate with Ms.
Usha Kumar in person for Plaintiff
No. 3.

versus

AJAY KUMAR

..... Defendant

Through: Mr. Rakesh Saini, Advocate for
Defendant Nos. 3 and 4.

Mr. Rajiv Bahl, Advocate for two
LR's of Defendant No. 8.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

% **09.08.2019**

**I.A. 5892/2019 (application on behalf of Defendant No.3 under Order
XXVI Rule 1,2 & 4-a read with Section 151 of the CPC)**

1. By way of this application, Defendant No.3, Mr. Vijay Kumar, prays that his statement may be recorded on commission at his residence at 13-A, Amrita Shergil Marg, New Delhi.

2. On 24th May 2019, taking note of the submissions made by the applicant's counsel, the Court had directed that Defendant No. 3 be examined in a government hospital, Jalandhar so that the Court could take a view on the relief sought in the application.

3. Today, learned counsel for the applicant states that the said witness could not be examined in a government hospital in Jalandhar, nevertheless, he is now willing to come to Court to get his statement recorded.

4. Accordingly, the application is rendered infructuous and is disposed of as such.

I.A. 12339/2018(application on behalf of the Plaintiffs u/o 22 Rule 4, (5) (a) and (b) r/w section 151CPC, for bringing the Legal Representatives of the deceased Defendant No 10, Smt. Tek Chand (also known as Indrawati) on record)

5. The service of this application has been effected on all the five LR's in terms of the affidavit of service dated 12th February 2019 filed by the Plaintiff, which annexes the report of service effected through courier. There is no appearance on behalf of the proposed legal representatives.

6. Accordingly, the application is allowed.

7. The Plaintiff is directed to file amended memo of parties within period of one week from today.

CS(OS) 186/1980

8. Since the matter is more than 25 years old, Learned Joint Registrar is requested to give precedence to this matter over others matters and fix the

shortest date possible for recording the statement of the witness and conclude the evidence expeditiously, preferably on day to day basis.

9. List the matter before the Joint Registrar on 19th August 2019 for fixing the date of recording the statement of the said witness.

SANJEEV NARULA, J

AUGUST 09, 2019

ss