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

+ **CS(OS) 186/1980**

TARUN KUMAR

..... Plaintiff

Through: Mr. K.K. Bhuchar, Adv. with plaintiff
no.2 Ms. Usha Kumar.

versus

AJAY KUMAR

..... Defendant

Through: Mr. Rakesh Saini, Adv. for D-3 &
D-4.

CORAM:

**SH. RAJ KUMAR TRIPATHI (DHJS), JOINT REGISTRAR
(JUDICIAL)**

ORDER

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15.11.2019

No DW present. Learned counsel for defendant nos.3 and 4 submits that D3W1 Mr. Vijay Kumar could not come to the court today for his deposition due to his precarious health condition. He further submits that the witness requires sterile environment and his dialysis is carried out three times a day at intervals of 5 - 6 hours. He further submits that due to the aforesaid reason, the defendants have already filed an application before Hon'ble Court for appointment of Local Commissioner for recording of his evidence at his wife's residence which is listed for hearing on 20.11.2019. He prays to adjourn the case till 20.11.2019 submitting that Hon'ble Court is already seized of the issue of the medical condition of the witness and appointment of Local Commissioner.



On the other hand, learned counsel for the plaintiff vehemently opposes the adjournment being sought by defendant nos.3 and 4. He submits that as the defendant's witness is not available therefore, defendant's evidence may kindly be closed.

Considering the request made on behalf of defendant nos.3 and 4, in the interest of justice matter is adjourned today.

List for further cross-examination of D3W1 on **21st November 2019**. Recording of evidence in the case would continue till conclusion of defendants' evidence. It is made clear that under no circumstances matter would be adjourned till cross-examination of all the witnesses of defendants are completed.

SH. RAJ KUMAR TRIPATHI (DHJS)
JOINT REGISTRAR (JUDICIAL)

NOVEMBER 15, 2019/k