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

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**CS(OS) 186/1980**

**TARUN KUMAR**

.....Plaintiff

Through: Mr. Rajeev Saxena, Ms. Megha Saxena and Mr. S. Bhatnagar, Advs.

versus

**AJAY KUMAR**

.....Defendant

Through: Ms. Seerat Deep Singh, Adv. for D-1.  
Ms. Neha Tandon, Adv. for D-2.  
Mr. Sushil Dutt Salwan, Sr. Adv. with  
Mr. L.K. Singh, Adv. for LR's of D-3  
& D-4  
Mr. Rajiv Bahl, Adv. for two LR's of  
D-8.

**CORAM:**

**HON'BLE MR. JUSTICE VIKAS MAHAJAN**

**ORDER**

**13.11.2024**

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**I.A. 10097/2022 (under Order XIX Rule 2 read with Section 138 of Indian Evidence Act, 1872 and Section 151 CPC by plaintiff)**

1. The present application has been filed by the plaintiff seeking direction to Ms. Nirja Shivani Chatrath (LR of deceased defendant no.3) to file an affidavit in accordance with law.
2. The learned Senior Counsel for the defendant nos. 3 and 4 submits that without prejudice to their rights and contentions and without admitting the contents of the application he has instructions to withdraw the affidavit filed by Ms. Nirja Shivani Chatrath with liberty to file a fresh one. The statement is taken on record.
3. In view of the above statement, the learned counsel for the plaintiff/applicant does not wish to press the present application.



4. The application stands disposed of.

**CS(OS) 186/1980 & I.A. 1228/1992, 5025/1996, 2061/1997, 13225/2000, 7217/2002, 12670/2018, 15647/2019**

5. Let LRs of the defendant no.3 file fresh affidavit by way of examination-in-chief in accordance with law, within a period of two weeks.

6. List before Joint Registrar for fixing the date for defendant's evidence on 04.12.2024.

**VIKAS MAHAJAN, J**

**NOVEMBER 13, 2024/dss**