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\* IN THE HIGH COURT OF DELHI AT NEW DELHI

+ CS(COMM) 788/2018

SOUTH DELHI MUNICIPAL CORPORATION

..... Plaintiff

Through: Ms. Ann Joseph, Adv. Proxy for  
Ms. Beenashaw N. Soni, Adv.

versus

PRABHATAM ADVERTISING PVT. LTD.

..... Defendant

Through: None.

**CORAM:**

**JOINT REGISTRAR (JUDICIAL) SH. MANISH  
SHARMA, (DHJS)**

**ORDER**

**13.09.2024**

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**I.A.No.15312/2022 (under Section 151 CPC filed by  
plaintiff seeking leave to file fresh evidence affidavit)**

1. No reply to the captioned IA has been filed by the defendant.
2. None has appeared on behalf of the defendant today.
3. Learned counsel for plaintiff submits that the captioned IA has become infructuous as Mr. Sher Bahadur, Assistant Manager, Municipal Corporation has been repatriated to his parents office/MCD and the same may be dismissed.
4. Heard. Record perused
5. In view of the submission made by learned counsel for the plaintiff, the captioned IA is dismissed as infructuous.



6. IA stands disposed

**I.A.No.23044/2023 (under Section 151 CPC filed by the plaintiff seeking change of witness and leave to file evidence of PW1/1, afresh along with supporting affidavit)**

1. As per office note, proof of cost not filed on behalf of the defendant.
2. No reply to the captioned IA has been filed by the defendant.
3. None has appeared on behalf of the defendant today also. None is appearing on behalf of the defendant since 04/09/2023. Even a cost of Rs.5,000/- was imposed upon the defendant on the last date of hearing. Accordingly, right of the defendant to file reply to the captioned IA is closed.
4. It is averred in the captioned IA that earlier the plaintiff has filed evidence by way of affidavit of Mr. Sher Bahadur, Assistant Commissioner, however, he has been repatriated to his parents office/MCD. It is prayed that in view of the same, plaintiff may be permitted to file fresh evidence by way of affidavit of Mr. Amar Kumar, Assistant Commissioner, Municipal Corporation of Delhi (Advertisement Department).
5. Arguments heard. Record perused.
6. The matter is at the stage of plaintiff's evidence and the plaintiff has not led evidence in the matter till date. In view of the averments made in the captioned IA and also in view of the fact that no witness of the plaintiff has been examined till date, the captioned IA is allowed. Plaintiff is permitted to substitute new PW Mr. Amar Kumar in place of previous PW Mr. Sher



Bahadur.

7. IA stands disposed of.

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8. Perusal of record shows that the plaintiff has filed evidence by way of affidavit of Mr. Amar Kumar, Assistant Commissioner, Municipal Corporation of Delhi (Advertisement Department). Plaintiff is directed to file hard copy of evidence by way of affidavit of the aforesaid witness within four weeks.

9. Re-notify the matter for PE on 25<sup>th</sup> November, 2024.

**MANISH SHARMA, (DHJS)**  
**JOINT REGISTRAR (JUDICIAL)**  
**SEPTEMBER 13, 2024/nk**

*Click here to check corrigendum, if any*