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

+ **CS(OS) 743/2012**

MOHINDER NATH KAWLRA Plaintiff

Through: Mr. Randhir Kumar,
Advocate appeared
physically

versus

POONAM KAWLRA & OTHERS Defendants

Through: Mr. Rangarajan R.,
Advocate for Defendant
nos. 3 to 5 appeared
physically

CORAM:

JOINT REGISTRAR (JUDICIAL) MS. TYAGITA SINGH, (DHJS)

ORDER

% **01.12.2022**

Matter is taken up through physical hearing as well as video conferencing.

Perusal of the previous ordersheets reveals that plaintiff Sh. Mohinder Nath Kawlra had expired and after his death, defendant no.7 Sh. Rajat Pandhi has been transposed as plaintiff and ex-parte order qua defendant no.7 was set-aside by the Hon'ble Court vide order dated 09.01.2018. The non-appearing defendants (except defendant nos. 4 to 6) were proceeded against ex-parte vide the same order dated 09.01.2018.

As per Amended Memo of Parties, Sh. Rajat Pandhi is now the plaintiff and there are eight defendants, hence, the concerned official of the Registry is directed to change the title of the case to 'Rajat Pandhi Vs. Poonam Kawlra & ORS' as per previous order of the Hon'ble Court.



Issues were framed by the Hon'ble Court vide order dated 17.05.2018 and the onus of the main issue was upon defendant nos. 3 to 5 due to which defendant nos. 3 to 5 have been directed by the Hon'ble Court to lead defence evidence first.

As per order dated 28.09.2022, the application of defendant nos. 3 to 5 i.e. IA No. 16515/2018 for permission to lead secondary evidence has been disposed off on the ground that learned counsel for defendants submitted that he had already mentioned all the foundational facts of leading secondary evidence, in the affidavit of evidence itself. As per order dated 28.09.2022, three opportunities have been granted to defendants to conclude defence evidence failing which the same shall be closed.

Learned counsel for the plaintiff has stated that he has been re-engaged by the transpositioned plaintiff Sh. Rajat Pandhi as earlier also, he was representing him as defendant no.7.

Heard. He is directed to file fresh vakalatnama on behalf of the plaintiff within two weeks.

Plaintiff is directed to make payment of previous costs imposed vide order dated 13.11.2019 and 29.01.2020 to defendant no.5 by the next date of hearing.

As per judicial record, affidavit of evidence of defendant no.3 Sh. Manish Kawlra and affidavit of evidence of defendant no.5 Sh. Virender Nath Kawlra is on record.

At request, put up for defendants' evidence on 7th March, 2023 at 2:00 PM.

TYAGITA SINGH, (DHJS)
JOINT REGISTRAR (JUDICIAL)

DECEMBER 1, 2022/savita

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