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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CS(OS) 647/2010**
ADESH KANWARJIT SINGH BRAR

..... Plaintiff

Through: Mr. Ravi Shankar Nanda, Adv.

versus

BABLI BRAR & ORS

..... Defendant

Through: Mr. Hrishikesh Baruah, Mr. Arjun
Dewan and Ms. Anupama Kumar,
Advocates for D-1.

CORAM:

**MS. DEEPALI SHARMA (DHJS), JOINT REGISTRAR
(JUDICIAL)**

ORDER

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28.04.2017

**I.A. No.2793/2017 filed by defendant No.1 under Order 17 Rule 3 CPC
for closing the right of the plaintiff to lead further evidence.**

It is stated by counsel appearing for the defendant no.1 that despite various directions of learned Local Commissioner, the plaintiff has taken substantial time to file the affidavit of evidence of its witnesses and that the matter is listed before learned Local Commissioner on 02.05.2017 & 03.05.2017.

It is stated by counsel for the plaintiff that on 02.05.2017 & 03.05.2017, the plaintiff shall produce the witnesses, namely, Mr. Bharat Kapoor and Mr. Prithvi Singh, whose affidavits have already been supplied to counsel for defendant no. 1, for their examination on these dates.

It is further stated by counsel for the plaintiff the affidavits of the

remaining witnesses could not be filed as they are situated in Punjab, therefore, he requests for additional time of one week for filing the affidavits of remaining witnesses. The request of the plaintiff is strongly opposed by counsel for defendant No.1 who states that the plaintiff has been delaying the recording the evidence before the Ld. Local Commissioner despite directions of the Ld. Local Commissioner.

In such circumstances, the plaintiff is directed to supply the affidavits of evidence of remaining witnesses to counsel for defendant no.1 positively within a week from today failing which the cost of Rs. 5000/- for non-filing of each of the affidavits shall be paid to defendant.

Put up for consideration of the I.A. 2793/2017 and the report of Local Commissioner on **11th May, 2017.**

DEEPALI SHARMA (DHJS)
JOINT REGISTRAR (JUDICIAL)

APRIL 28, 2017/nk