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

+ **CS(OS) 927/2013**

ANKUR BALI

..... Plaintiff

Through: Ms. Sonali Malhotra, Adv.

versus

MADHU

..... Defendant

Through: Mr. U.S. Chaudhary and Mr. Vipin
Chaudhary, Adv.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

% **27.11.2019**

IA No.15078/2019 [of the defendant u/O XVI R-10(2) & (3) CPC].

1. The applicant/defendant seeks warrants for production of witness Kumari Alka, Advocate (Oath Commissioner) who, inspite of being served with summons for appearance before the Commissioner recording evidence, has failed to appear and on 11th October, 2019 sent another Advocate on her behalf, without authority but with an application seeking exemption from appearance. It is argued that the application also was without supporting affidavit.
2. Kumari Alka, Advocate in her application has stated that she has lost records which were summoned from her and sought recording of her statement at her residence.
3. From the application under her signatures sent by Kumari Alka, Advocate it appears that no purpose will be served in enforcing her presence or in requesting the Commissioner to record her statement at her residence; she is likely to depose on the same lines as what she has stated in her letter.
4. The counsel for the applicant/defendant also agrees.

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5. In view of the above, the need to issue warrants as sought is not felt and the application is disposed of.

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6. The counsel for the defendant states that no other witness is to be examined.

7. The counsel for the plaintiff states that since the defendant had led evidence first, the plaintiff has to lead evidence.

8. The counsel for the plaintiff to file affidavit by way of examination-in-chief of her witness on or before 6th December, 2019 with advance copy to the counsel for the defendant.

9. Evidence of the plaintiff to be recorded on Commission on 10th December, 2019, as stated to be already scheduled.

RAJIV SAHAI ENDLAW, J

NOVEMBER 27, 2019

‘pp’..

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