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

+ **CS(COMM) 241/2016**

MR SONDEEP SHANKAR Plaintiff

Through: **Ms.Gunjan Arora, Adv.**

versus

ASSOCIATED PRESS Defendant

Through: **Ms.Geetanjli Vishwanath, Adv.**

CORAM:

**SH. AJAY KUMAR KUCHAR (DHJS), JOINT REGISTRAR
(JUDICIAL)**

ORDER

% **01.05.2017**

IA No. 5326/2017 (u/Order 16 Rule 1 (3) read with Section 151 CPC)

Applicant wants to amend the list of witnesses and the name of Mr.Harold Samuel to the list of witnesses as DW2 (though mentioned as PW2 in the application being typographical error).

Notice of the application is accepted by counsel for the plaintiff, who has opposed this application on the ground that defendant was given six weeks time to file affidavit of the witnesses and now the matter is listed before the Ld. Local Commissioner on 11th and 12 May, 2017 for cross examination of DW1 and the plaintiff may not have sufficient time to prepare for cross examination of newly added witness whose affidavit is intended to be filed.

Counsel for the applicant submits that witness Mr.Harold Samuel was not keeping good health and he was unable to come to the court to depose.

Even now he is undergoing dialysis but has agreed to appear before court to depose. This explains the reason why this application has been filed at this stage.

In view of the submissions made by counsel for the parties and the circumstances of the case, the application is allowed to the extent that the amended list of witnesses may be filed along with the affidavit of witness, namely, Mr. Harold Samuel.

So far as prayer of the applicant that they want to examine Mr. Harold Samuel prior to the cross examination of DW1 Sh. Satish Sharma, the learned Local Commissioner may consider this request and so far as restricting the hours of cross examination of DW2 is concerned, it is for the Local Commissioner to consider this request.

IA stands disposed of.

AJAY KUMAR KUCHAR (DHJS)
JOINT REGISTRAR (JUDICIAL)

MAY 01, 2017
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