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

+ **CS(COMM) 415/2016**

FACT EMPLOYEES' PROVIDENT FUND TRUST

..... Plaintiff

Through: Mr. Aabhas Kshetarpal, Adv.

versus

IFCI LIMITED

..... Defendant

Through: None.

CORAM:

**SH. VIJAY SHANKAR (DHJS), JOINT REGISTRAR
(JUDICIAL)**

ORDER

% **07.08.2019**

**I.A.No. 2045/2019 under Order 16 Rule 1 r/w Section 151 CPC
filed on behalf of the plaintiff for substitution of the plaintiff's
witness**

None appeared on behalf of the defendant despite repeated calls. None had appeared on behalf of the defendant even on the last date of hearing. Reply to the aforesaid application stated to be not filed by the defendant. On the last date of hearing, last opportunity was granted to the defendant for filing the reply. Accordingly, opportunity of the defendant to file the reply and argue the aforesaid application stands closed.

It is submitted by counsel for the plaintiff that by way of

present application, the plaintiff is seeking permission to substitute PW-1 Mr. Srinath V. Kamath with Mr. C. Pradeep Kumar. It is further submitted by counsel for the plaintiff that PW-1 has already retired from the services and the plaintiff is unable to secure the presence of PW-1 for the purpose of cross-examination despite best efforts. It is further submitted by counsel for the plaintiff that witness Mr. C. Pradeep Kumar be directed to be substituted in place of PW-1 Mr. Srinath V. Kamath.

Arguments heard on the aforesaid application of the plaintiff. Perused the material available on record. Considering the facts, circumstances and in view of the submissions made, the aforesaid application of the plaintiff is allowed. Evidence by way of affidavit of Mr. C. Pradeep Kumar already stated to be filed along with aforesaid application. Copy already stated to be supplied.

IA stands disposed of.

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At request, re-notify the matter for plaintiff's evidence on **05th December, 2019.**

**VIJAY SHANKAR (DHJS)
JOINT REGISTRAR (JUDICIAL)**

AUGUST 07, 2019*/nk*