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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CS(OS) 346/2016**
SH AJIT GOGNA Plaintiff
Through Mr. Sunil Lalwani, Adv.
versus
SH JITENDER GOGNA & ORS Defendant
Through Mr. Siddharth Aggarwal, Adv. for
D-1
Mr. Gagan Kataria, Adv. for D-5 to
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CORAM:

SHARAD GUPTA (DHJS), JOINT REGISTRAR (JUDICIAL)

ORDER

% **18.02.2019**

IA No.2436/2019 u/S 151 CPC for condonation of delay of 25 days in filing of affidavit by way of evidence of DW1; and IA No.2437/2019 u/S 151 CPC for condonation of delay of 25 days in filing of list of witnesses; both IAs moved by defendant no.1

Learned counsel for plaintiff is present and accepts notice of the captioned IA. He also submits that he has no objections, in case the captioned IAs are allowed subject to suitable cost.

Through the captioned IA, defendant no.1 is seeking condonation of delay of 25 days in filing of evidence affidavit of DW1 and list of witnesses on record. No substantial prejudice would be caused to the plaintiff, in case the captioned IAs are allowed and the plaintiff can be compensated with cost for delay occasioned. Rather the cause of substantial justice would be advanced as the matter would be disposed of on merits. Thus, without taking any hyper technical view, in view of no objections of learned counsel for plaintiff, both the captioned IAs stand allowed and delay, if any, in

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filing of evidence affidavit of DW1 and list of witnesses filed by defendant no.1 is condoned, subject to payment of total cost of Rs.5000/- by defendant no.1 to be paid to plaintiff. Evidence affidavit of DW1 and list of witnesses filed by defendant no.1 are taken on record. Advance copies of the same already supplied to the plaintiff as well as to the other defendants. Both IAs stand disposed of.

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Re-notify the matter for DE on 25.02.2019.

**SHARAD GUPTA (DHJS)
JOINT REGISTRAR (JUDICIAL)**

FEBRUARY 18, 2019/ab