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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CS(OS) 2752/2014**
STERLING AND WILSON LTD Plaintiff
Through Mr. Hari, Adv.
versus
ARN INFRASTRUCTURES INDIA LTD Defendant
Through

CORAM:
ASHUTOSH KUMAR (DHJS), JOINT REGISTRAR
(JUDICIAL)

ORDER

% **21.08.2015**

I.A. No.17430/2014 under Section 151 CPC moved on behalf of defendant for condonation of delay in filing of evidence by way of affidavit of defendant

Learned counsel for defendant has submitted that evidence by way of affidavit of three witnesses of defendant were filed on 13.08.2015 i.e. after three days of expiry of stipulated period on 10.08.2015.

Learned counsel for plaintiff has submitted that he does not wish to file any reply to IA and shall straightway address the arguments.

Arguments heard.

Vide order dated 13.07.2015, the Hon'ble Court had directed the plaintiff to file affidavit in chief by way of evidence within two weeks and defendant to file its evidence within two weeks thereafter.

It was made clear that in case either of the parties commits a default in filing the affidavits within the stipulated timeline, then the same shall be taken on record upon payment of costs of Rs.30000/- by

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the defaulting party to the other side.

In view of aforesaid order of Hon'ble Court, no ground for allowing the present IA is made out and accordingly the same is dismissed and disposed of.

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As per office note, list of witnesses and affidavit of evidence has been filed by both the parties. The affidavits of evidence of witnesses of defendant shall be taken on record subject to payment of aforesaid cost of Rs.30000/- to plaintiff.

Re-notify the matter for plaintiff's evidence on 22.02.2016 at 12.00 noon.

**ASHUTOSH KUMAR (DHJS)
JOINT REGISTRAR (JUDICIAL)**

AUGUST 21, 2015/ab