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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CS(COMM) 806/2016 & IA 43903/2024**
M/S ARRENA OVERSEAS PRIVATE LIMITEDPlaintiff

Through:

versus

M/S BATRA ART PRESSDefendant
Through: **Mr. Tejas Singh, Advocate (through**
vc)

CORAM:
JOINT REGISTRAR (JUDICIAL) MS. TYAGITA SINGH, (DHJS)
O R D E R
% **29.10.2024**

Matter is taken up through physical hearing as well as video conferencing.

Regular Stenographer is on leave.

IA 43903/2024 (Application under order XVI Rule 1 CPC filed by plaintiff for summoning the witnesses)

Learned counsel for plaintiff has stated that witnesses have been mentioned in the list of witnesses already filed on record and witnesses are required to be summoned in the manner as per prayer clause of the application.

Learned counsel for defendant has objected that vide order dated 05.09.2024 of the Hon'ble Court (Para 3)



it had been observed that only those documents can be exhibited which have already filed on record or mentioned in the pleadings, however the documents qua property A-26 Narayana Industrial Area and property B-72 Narayana Industrial Area as mentioned in para no. 5E (ii) & (iii) of the application are not mentioned in the pleadings due to which plaintiff cannot be allowed to exhibit the said documents.

On the other hand, learned counsel for the plaintiff has stated that the reference to abovesaid properties has been mentioned in the family settlement deed which has already been exhibited in evidence of main witness of plaintiff and the documents of said properties are required to show in whose share the said properties have fallen.

Keeping in view the reasons mentioned in the application, the present IA is allowed. However, the documents shall be exhibited as per directions mentioned in order of the Hon'ble Court dated 05.09.2024. Summons be issued to all the witnesses mentioned in para no.5 of the abovesaid IA as per the schedule of dates mentioned in the prayer clause, on filing of PF/Dasti within 7 days. Diet money be paid at the spot. **I.A. stands disposed off.**

**MS. TYAGITA SINGH, (DHJS),
JOINT REGISTRAR (JUDICIAL)**

OCTOBER 29, 2024/da