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

+ **CS(OS) 3083/2014**
SHAKTI NATH

..... Plaintiff

Through: Mr. Nitish K. Sharma, Advocate.

versus

SHASHI MOHAN CHATURVEDI AND ORS Defendants

Through: Mr. Karan Nagrath & Ms.Uditi
Khattar, Advocates.

+ **CS(OS) 33/2017, I.A. 2462/2019, I.A. 7254-7255/2019,**
I.A. 8653/2019

MR SHASHI MOHAN CHATURVEDI & ORS Plaintiffs

Through: Mr. Karan Nagrath & Ms.Uditi
Khattar, Advocates.

versus

MR SHAKTI NATH

..... Defendant

Through: Mr. Nitish K. Sharma, Advocate.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

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30.10.2019

I.A. 15065/2019 In CS(OS) 3083/2014(Application on behalf of defendants seeking clarification of order dated 18.12.2014 and for withdrawal of publication dated 07.05.2015)

1. Issue notice. Mr. Nitish K. Sharma, learned counsel for the plaintiff accepts notice.
2. At his request one week's time is granted to file a reply to this

CS(OS) 3083/2014 & Other Connected Matters

Page 1 of 3



application. Rejoinder, thereto, may be filed within one week thereafter.

3. List on 02.12.2019.

CS(OS) 33/2017

1. This suit has been marked to this Court pursuant to an order 15.10.2019, in which it has been recorded that CS(OS) 3083/2014 is a suit by the defendant herein against the plaintiffs herein listed before this Court. The said order further records that it would be appropriate if the two suits are consolidated.

2. By an order dated 12.09.2019 in CS(OS) 3083/2014, directions were given for recording of further evidence before a Local Commissioner. The evidence of the plaintiff therein [defendant in the present suit] is already completed. Counsel for both the parties state that the evidence required in the two suits would be entirely overlapping as they arise out of the same transaction. In these circumstances, with the consent of counsel for the both parties, the following directions are passed:-

- a) The evidence in the two suits is consolidated.
- b) The evidence of the plaintiffs herein [defendants in CS(OS) 3083/2014] will commence before the Local Commissioner appointed therein [Ms. Bimla Makin, former District and Sessions Judge]. Although the plaintiffs have filed separate affidavits of evidence in the two suits, it is directed that they will file an affidavit of evidence which will cover their evidence in both the suits. The affidavit of evidence be filed within two weeks, and recording of the evidence of their witnesses will take place thereafter.
- c) The defendant in the present suit will be entitled to lead further



evidence, after the completion of the evidence on behalf of the plaintiffs, if necessary. Directions for the same may be given by the Local Commissioner.

d) The evidence of the witnesses which has been recorded in the either of the suits will be read in both the suits.

3. List on the date fixed i.e. 03.02.2020.

PRATEEK JALAN, J

OCTOBER 30, 2019

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