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

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

SHAKTI NATH

..... Plaintiff

Through: Mr. Jeevesh Nagrath, Mr. Nitish K. Sharma and Mr. Arushi Pathak, Advocates

versus

SHASHI MOHAN CHATURVEDI AND ORS Defendants

Through: Ms. Udit Khattar and Mr. Vipul Pankaj Sanghi, Advocates

CORAM:

HON'BLE MR. JUSTICE AMIT BANSAL

ORDER

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22.04.2022

I.A.6183/2022 (u/S 151 CPC for directions)

1. The present application has been filed on behalf of the applicant/plaintiff impugning the order dated 5th April, 2022 passed by the Local Commissioner appointed in the case for recording of evidence.
2. The grievance of the applicant/plaintiff is that the defendant has not complied with the order dated 2nd December, 2019 passed by this Court, whereby two weeks' time was given to file the consolidated affidavit of evidence.
3. Counsel for the non-applicants/defendants submits that the consolidated affidavit was filed on 3rd December, 2019 along with a copy to the counsel for the applicant/plaintiff. However, the same got misplaced and



was not brought on record.

4. I have heard the counsels for the parties.

5. An advance copy of the consolidated evidence was supplied by the defendant to the plaintiff on 3rd December, 2019 and the same was also filed vide diary no.1492496. However, the said evidence is not traceable till date. Therefore, I am of the view that instead of spending more time in trying to trace the said evidence, the defendant be given an opportunity to place on record a copy of the said evidence affirmed by the defendant no.3 on the current date.

6. The said affidavit of evidence will be placed on record before the Local Commissioner on the next date of hearing i.e. 25th April, 2022.

7. Taking into account that the suit is of 2014, the Local Commissioner is requested to expedite the recording of the remaining evidence in the suit.

8. The application stands disposed of in above terms.

AMIT BANSAL, J.

APRIL 22, 2022

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