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

+ CS(COMM) 1130/2016

AAP KI PASAND & ANR

..... Plaintiffs

Through: Mr.Varun Kumar Tikmani and
Mr.Ashwin Kumar, Advocates

versus

HIMALAYAN LEAF PVT LTD

..... Defendant

Through: Mr.Sandeep Bajaj, Ms.Aakansha
Nehra, Advocates

CORAM:

HON'BLE MR. JUSTICE J.R. MIDHA

ORDER

% **14.08.2018**

I.A. 10794/2018

1. Allowed, subject to all exceptions.

I.A. 10793/2018

2. Delay in filing the appeal is condoned.

3. Application disposed of.

O.A. 96/2018

4. The appellant/defendant has filed this chamber appeal against the Court observations made by the Joint Registrar during the cross examination of PW-1 on 21st May, 2018 on the ground that the Joint Registrar could not make the relevant observations and it is the prerogative of this Court alone to make this observations.

5. Counsel for the appellant has taken the Court through the Court observations of the Joint Registrar after question Nos.10 and 11 and this Court does not find any infirmity in it. The appellant/defendant is at liberty to prove his defence in accordance with law at the stage of defendant's



evidence.

6. Leaving the question of law raised by the appellant/defendant open, this Court reiterates the observations made by the Joint Registrar as observation of this Court.

7. The appeal is disposed of in the above terms.

8. The proceedings are listed for cross examination of PW-1 on 17th September, 2018. The defendant shall endeavour to conclude the cross examination of PW-1 on 17th September, 2018.

J.R. MIDHA, J.

AUGUST 14, 2018

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