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\* IN THE HIGH COURT OF DELHI AT NEW DELHI  
+ CS(COMM) 1189/2016

KALINGA TRADE LINKERS & ANR ..... Plaintiff

Through: Mr Rahul Vidhani, Adv alongwith Rajiv  
Sethi

versus

CAMBOJ ELECTRICALS & ORS ..... Defendant

Through: Mr Amit Jain, Adv

**CORAM:**

**SH. AJAY KUMAR KUCHAR (DHJS), JOINT REGISTRAR  
(JUDICIAL)**

**ORDER**

% **25.04.2017**

Cost receipt was not filed.

Learned counsel for the plaintiff submits that he has already deposited the cost and will be filing the receipt within two days time.

List of witness stated to have been filed which is under objection as stated by counsel for the plaintiff, on the ground of delay in terms of Hon'ble Court's order dated 21.10.2016.

**IA No. 4882/2017 (u/O 13 Rule 1 r/w Section 151 CPC for  
condonation of delay in filing list of witnesses of plaintiffs 1 & 2)**

The reasons stated in the application for condonation of delay is that the plaintiffs were preparing the review and appeal to the order dated 21.10.2016 because of which the list of witnesses and affidavit of evidence could not be filed in time.

The list of witness has not come on the record so far.

Learned counsel for the defendant accepts notice of this IA.

Heard.

In view of the submission and contention raised in the application, the delay in filing the list of witness is hereby condoned and same be placed on record.

Accordingly, IA stands disposed of.

**CS(COMM) 1189/2016**

The counsel for the defendant submits that as per the Order 18 Rule 4 CPC as amended by the Commercial Court Act 2015 the affidavit in evidence of all the witnesses has to be filed simultaneously and there is non-compliance of provision by the plaintiff.

This issue will be considered when the list of witness of the plaintiff comes on the record.

Learned counsel for the plaintiff submits that he has called the witness Rajiv Sethi for examination. However, counsel for the defendant has objection firstly on the ground that list of witness has not been filed and secondly he has been supplied the affidavit in evidence of Sh Rajiv Sethi and Sudhir Sethi and he was not informed that the plaintiff will not examine Sudhir Sethi as a witness.

Renotify this matter on 26.07.2017 for PE.

**SH. AJAY KUMAR KUHAR (DHJS)  
JOINT REGISTRAR (JUDICIAL)**

**APRIL 25, 2017**

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