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

+ **CS(COMM) 1260/2016**

UNITY INFRAPROJECTS LTD

..... Plaintiff

Through: Mr. S.K. Jain & Mr. Stuti Jain, Advs.

Versus

DELHI DEVELOPMENT AUTHORITY

..... Defendant

Through: Mr. Kamlesh Anand, Adv.

AND

CS(COMM) 1378/2016 & IA No.6786/2014 (of the plaintiff u/S 151 CPC)

UNITY INFRAPROJECTS LTD

..... Plaintiff

Through: Mr. S.K. Jain & Mr. Stuti Jain, Advs.

Versus

DELHI DEVELOPMENT AUTHORITY

..... Defendant

Through: Mr. Kamlesh Anand, Adv.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

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22.01.2018

IA No.19418/2014 in CS(COMM) 1260/2016 and IA No.19428/2014 in CS(COMM) 1378/2016 (both of the defendant for withdrawal of affidavit filed on 12th October, 2011 of admission / denial of documents and for filing fresh affidavit of admission / denial of documents)

1. Rather than wasting time on these applications, it is deemed appropriate to dispose of these applications observing that it will be open to the plaintiff to, at the stage of final adjudication of the suits, refer to admission if any made by the defendant in the affidavits which are now being sought to be withdrawn.
2. It has been enquired from the counsel for the defendant, whether the defendant has filed any fresh affidavits of admission / denial.
3. Mr. Kamlesh Anand, Advocate for the defendant is clueless about the same.
4. The counsel for the plaintiff states that no fresh affidavit of admission / denial has been filed.



5. If the affidavits have not been filed till now, the same cannot now be permitted to be filed now, especially after the issues have already been framed.

6. The applications are disposed of.

IA NO.14491/2015 in CS(COMM) 1260/2016 and IA No.14492/2015 in CS(COMM) 1378/2016 (both of the plaintiff under Order X Rule 1A of the CPC)

7. The counsel for the plaintiff states that these applications have already been disposed of.

8. The same be not shown in the cause list.

CS(COMM) 1260/2016 & CS(COMM) 1378/2016

9. The counsel for the plaintiff states that commission has been issued for recording of evidence.

10. The parties to now ensure that the commission is executed within six months from today.

11. The counsels to approach the Court Commissioner already appointed for recording evidence and to have the matter listed before the Court Commissioner latest in the second week of February, 2018.

RAJIV SAHAI ENDLAW, J

JANUARY 22, 2018

‘gsr’..

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