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

+ **CS(COMM) 1423/2016**

BRIJESH KUMAR & ASSOCIATES Plaintiff

Through : Mr. Virender Kr. Sharma, Adv.

Versus

DELHI DEVELOPMENT AUTHORITY & ANR Defendants

Through : None

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

% **08.03.2018**

IA No.2574/2018 (of the defendant under Order XIV R 5 of the CPC)

1. The defendant DDA seeks shifting of onus of issue No. 4 framed on 6th May, 2015 from that on the defendant to on the plaintiff.
2. Though none appears for the applicant/defendant DDA, but the counsel for the plaintiff appearing on advance notice has no objection to the application being allowed.
3. A reading of the issue also shows that the onus thereof ought to have been on the plaintiff instead of on the defendant.
4. The application is thus allowed.
5. The onus of issue No. 4 framed on 6th May, 2015 be read as on the plaintiff instead of on the defendant.
6. The application is disposed of.

CS(COMM) 1423/2016

7. If as a result of the aforesaid, the plaintiff is required to file any additional affidavit by way of examination-in-chief, the same be filed by
CS(COMM) 1423/2016

page 1 of 2



13th March, 2018 being the next date before the Joint Registrar for recording of evidence.

8. It is, however, clarified that the proceedings before the Joint Registrar on 13th March, 2018 be not adjourned for the reason of today's order.

RAJIV SAHAI ENDLAW, J

MARCH 08, 2018/SRwt..

CS(COMM) 1423/2016

page 2 of 2