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

+ **FAO(OS) 7/2015**

MERCK KGAA & ANR.

..... Appellants

Through: Mr Prateek Kumar Srivastava and
Mr Surjeet Singh

versus

QUALITY BESTOCHEM FORMULATIONS (P) LTD.

..... Respondent

Through: Mr Surinder Singh

CORAM:

HON'BLE MR. JUSTICE BADAR DURREZ AHMED

HON'BLE MR. JUSTICE RAJIV SHAKDHER

ORDER

% **16.07.2015**

The notice of this appeal has been served on the respondent. The learned counsel for the respondent is present. The appellant is aggrieved by the fact that his plea for substituting a witness was not allowed by the learned Single Judge. It is the case of the appellant that one Mr Vijay Kumar Verma was listed as PW-2 and the said Mr Verma has been transferred to some other department and in addition the said Mr Verma has refused to present himself for cross-examination. It is in these circumstances that the substitution of the said witness by Mr Vishal Kath, who is also an employee of plaintiff No. 2 / appellant No. 2, has been sought. We see no reason to refuse this request. The learned counsel for the respondent / defendant is also not opposed to this prayer.

Consequently, we set aside the impugned order and direct that the amended list of witnesses be taken on record and so also the affidavit by way of evidence filed by Mr Vishal Kath on 14.02.2014.

The appeal stands allowed as above.

BADAR DURREZ AHMED, J

RAJIV SHAKDHER, J

JULY 16, 2015

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