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

+ **CS(OS) 1311/2001**

SCINDIA POTTERIES & SERVICES P LTD.

..... Plaintiff

Through: Mr. Ajay Kapur, Sr. Adv. with Mr.
Dinesh Kumar and Mahima Dang,
Advocates

versus

JK JAIN & ANR

C+ A+

..... Defendant

Through: Mr. Jayant K Mehta, Saurabh Dev
Karan Singh, Advocates

CORAM:

HON'BLE MR. JUSTICE VIPIN SANGHI

ORDER

16.05.2016

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I.A. No.6156/2016

Exemption allowed, subject to all just exceptions. The application stands disposed of.

I.A. No.6155/2016

There is a delay of 117 days in filing the chamber appeal. For the reasons stated in the application, the delay is condoned. Application stands disposed of.

O.A. No.102/2016 & I.A. No.6154/2016

Issue notice. Learned counsel for the plaintiff accepts notice. I have heard submissions of the learned counsel on both the sides. By this chamber appeal, the defendant/ applicant seeks to assail the order dated 24.11.2015 whereby the defendants application being I.A. No.18171/2013 has been dismissed. By the said order, I.A. No.20254/2013 under Order 8 Rule 1A(3) had also been dismissed. However, Mr. Mehta states that the said order passed in the said application is not under challenge.

The grievance of the applicant is that while dismissing I.A. No.18171/2013, the learned Joint Registrar disallowed the request made by the defendant to produce two original documents, copies whereof had been filed by the defendant along with the written statement. These two documents are registration certificate of Jain Studio, and registration certificate of Jain Clinic.

It is informed that the suit upon transfer is listed before the learned ADJ for final hearing on 23rd and 25th May, 2016. Mr. Mehta, on instructions, states that the defendants shall not seek any adjournment of the said hearing and they shall produce DW-9 for the limited purpose of tendering in evidence the original registration certificates of Jain Studio and Jain Clinic.

With the consent of the plaintiff, the said witness shall be produced before the learned ADJ on 23.05.2016 and he may be subjected to cross examination limited only in relation to the said documents. Soon after the said recording of evidence take place, the matter shall proceed for arguments before the learned ADJ, and no adjournment shall be sought. This liberty is granted subject to the defendant paying costs of Rs.25,000/- to the plaintiff

on or before the said date. The chamber appeal is allowed in the above terms.

The file be returned to the concerned District Judge without any delay.

The appeal and the application stands disposed of.

VIPIN SANGHI, J

MAY 16, 2016

sr