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

+ **FAO(OS) 41/2015 & CM 1404/2015**

DENTSPLY INDIA

..... Appellant

Through : **Mr R. K. Sharma with Mr Dheeraj Kumar
and Ms Dezy Gaur**

versus

EXCEL INTERNATIONAL & ORS

..... Respondents

Through : **Mr Ajay Verma**

CORAM:

HON'BLE MR. JUSTICE BADAR DURREZ AHMED

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

ORDER

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07.04.2015

This appeal is directed against the order dated 10.12.2014 passed by a learned Single Judge of this Court, whereby the appellant's chamber appeal was disallowed. The effect of it was that the affidavits by way of evidence of PW1 and PW2 were taken off the record.

We have heard the counsel for the parties. We direct that the affidavits by way of evidence of PW1 and PW2 shall be taken on record subject to the condition that the documents, which are not in compliance with the order dated 20.04.2009 and which do not find mention in Annexure-1 to the affidavit of admission/ denial by the defendants dated 04.01.2012, shall not be exhibited or tendered in evidence. This is also subject to costs of Rs 10,000/- to be paid by the appellant to the respondent No.1.

The appeal stands disposed of in the above terms.

BADAR DURREZ AHMED, J

**APRIL 07, 2015
SR**

SANJEEV SACHDEVA, J