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

+ **FAO(OS) 563/2015**

SATYA BIR @ SATBIR & ORS

..... Appellants

Through: Mr N.S. Vasisht, Mr Vishal Singh and
Ms Jyoti Kataria

versus

**M/S SHREE NEELPADMAYA CONSUMER
PRODUCTS PVT LTD**

..... Respondent

Through: Mr B.S. Maan

CORAM:

HON'BLE MR. JUSTICE BADAR DURREZ AHMED

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

ORDER

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09.10.2015

CM No. 22732/2015 (exemption)

The exemption is allowed subject to all just exceptions.

FAO(OS) 563/2015 and CM No. 22731/2015

This appeal has been filed in respect of the order dated 13.08.2015 passed by a learned Single Judge of this court in CS(OS) No. 78/2007 whereby the right of the defendants to lead evidence has been closed. It is pointed out by the learned counsel for the appellant that on 12.08.2015, the evidence by way of affidavit of defendant No. 1 had been filed. Insofar as the other defendants are concerned no evidence by way of affidavit has been filed till date.

We have the learned counsel for the parties.

The learned counsel for the respondent / plaintiff agrees that insofar as the evidence by way of affidavit of defendant No. 1 is concerned, the same may be taken on

record and the said defendant No. 1 may be cross examined. Mr Vasisht, appearing on behalf of the appellants, states that one more witness would be called on behalf of the defendants and that would be the *Patwari* of the relevant Revenue Estate to produce the revenue record. Mr Maan, appearing on behalf of the respondent / plaintiff has no objection to the said witness also being produced and the evidence being taken on record.

Accordingly, the impugned order is modified.

List the matter for directions with regard to the recording of evidence of the appellants / defendants limited to the two witnesses referred to above, on 15.10.2015.

The appeal stands disposed of.

BADAR DURREZ AHMED, J

SANJEEV SACHDEVA, J

OCTOBER 09, 2015
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