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

+ CS(OS) 1057/2010

KISHORE KAPOOR Plaintiff

Through: Mr. Vivek Luthra, Advocate.

versus

LAKSHMI BHARDWAJ Defendant

Through: Ms. Padmini Gupta, Advocate.

CORAM:

HON'BLE MR. JUSTICE VIPIN SANGHI

ORDER

17.02.2016

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I.A. No. 18010/2015

By this application, the defendant seeks clarification of the order dated 20.07.2015, whereby the Court, *inter alia*, framed the issues in the suit.

The submission of learned counsel for the defendant/ applicant is that the onus with regard to the first issue framed by the Court has wrongly been typed as 'OPD' instead of 'OPP'. The said issue is: "*Whether agreement to sell dated 2nd August, 2006 was executed between the parties? OPD*". The case of the plaintiff is that the said agreement was executed between the parties, whereas the defendant has denied the said execution. The onus to prove the same would fall upon the plaintiff.

After some arguments, learned counsel for the plaintiff is also agreeable to correction of the said typographical error.

Accordingly, in relation to the Issue No.1, the onus is placed upon the plaintiff.

The application stands disposed of.

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In view of the notification No.2718/DHC/Org1. dated 25.11.2015, issued under Section 4 of the Delhi High Court (Amendment) Act, 2015 (Act 23 of 2015), at the request of the counsels for the parties, the present suit is transferred to the Court of the District Judge (North-West), Rohini, for further proceedings before the competent court on 03.05.2016.

It is made clear that as both sides are duly represented today, no fresh notice for appearance shall be issued and the parties shall ensure their presence before the concerned Court on the aforesaid date.

VIPIN SANGHI, J

FEBRUARY 17, 2016

B.S. Rohella