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

+ **FAO(OS) 84/2016 & CM 9465-9466/2016,12499/2016**

VIRENDER SAHLOT

..... Appellant

Through: Mr K. Datta, Adv. with Mr Kapil Gupta, Mr A.M. Gupta, Advs.

versus

GURVIR INDER SINGH & ANR

..... Respondents

Through: Mr S.C. Rana, Adv.

CORAM:

HON'BLE MR. JUSTICE BADAR DURREZ AHMED

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

ORDER

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17.05.2016

We have heard the learned counsel for the parties.

This is an appeal against the order dated 22.05.2015 passed by a learned Single Judge of this court. There is an error which has occurred in the order. It is recorded in the first paragraph that on 27.01.2015 the court had granted one last opportunity to the plaintiff to file the affidavit of evidence subject to payment of costs of Rs. 10,000/-. It is further recorded that till 22.05.2015 neither the costs have been paid nor has any application been moved for extension of time.

However when we look at the order dated 27.01.2015, we find that it is recorded therein that the learned counsel for the plaintiff had already filed an affidavit of evidence and sought one last opportunity to lead evidence on the date fixed before the Local Commission. In the interest of justice, the request was allowed subject to payment of costs of Rs. 10,000/-.

It is, therefore, evident that the order dated 22.05.2016 erroneously record that the plaintiff had not filed the evidence affidavit.

After hearing the learned counsel for the parties, we direct that the plaintiff be given an opportunity to lead evidence and he shall present himself on the date to be fixed by the Local Commissioner on 19.05.2015 on which date other formal

witnesses are to be examined.

The appeal stands disposed of in these terms.

BADAR DURREZ AHMED, J

SANJEEV SACHDEVA, J

MAY 17, 2016

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