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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**  
+ RFA 54/2016

ORIENTAL INSURANCE COMPANY LTD ..... Appellant

Through: Mr. R.R. Verma, Adv.

Versus

NANDAN DEVI GAUR ..... Respondent

Through: Ms. Purnima Maheshwari, Adv.

**CORAM:**

**HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW**

**ORDER**

% **21.03.2016**

1. This order is in continuation of the earlier order dated 2<sup>nd</sup> February, 2016.
2. Trial Court record has been received and perused.
3. The counsel for the respondent also appears and has been heard.
4. On perusal of the order sheet of the Trial Court, it is felt that an opportunity be given to the appellant to prove its case however on the conditions i) that the appellant pays costs of Rs.20,000/- to the counsel for the respondent on the date herein below fixed for appearance before the trial court; and, ii) the appellant shall conclude its entire evidence on two dates to be fixed by the learned Additional District Judge (ADJ) for the said purpose and does not take any adjournment and serves all the witnesses at its own responsibility.
5. Accordingly, the appeal is allowed.
6. The impugned judgment and decree dated 26<sup>th</sup> August, 2015 of the Court of ADJ-05 (Central), Tis Hazari Courts (THC), Delhi of dismissal of CS No.243/14/09 bearing Unique I.D. No.02401C0342342009 is set aside.

7. The parties to appear before the ADJ-05 (Central), THCs, Delhi and before the Court of District Judge (Central), THCs, Delhi if the Court of ADJ-05, Central, THCs has been abolished, on 28<sup>th</sup> April, 2016, on which date the learned ADJ is requested to fix the date/s for recording of evidence of the appellant as aforesaid.
8. Decree sheet be prepared.
9. Trial Court record be returned forthwith.

**RAJIV SAHAI ENDLAW, J**

**MARCH 21, 2016**

‘gsr’..