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

+ CM(M) 50/2017

INTEL TRAVELS LTD Petitioner
Through Mr.Muneesh Malhotra and
Mr.Rishabh Jain, Advocates

versus

INSTITUTE FOR DEFENCE STUDY Respondent
Through Mr.RAjshekhar Rao and Ms.Gauri
Puri, Advocates

CORAM:

HON'BLE MR. JUSTICE JAYANT NATH

ORDER

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16.01.2017

CM No.1666/2017

Exemption allowed, subject to all just exceptions.

CM(M) 50/2017

1. By the present petition under Article 227 of the Constitution of India the petitioner seeks to impugn the order dated 7.9.2016 by which on account of the fact that costs of Rs.10,000/- had not been paid and process fee had not been filed to summon witnesses, the right of the plaintiff to lead evidence was closed. Learned counsel appearing for the petitioner submits that on that date counsel could not appear as he was stuck up in Delhi High Court in another case. Affidavit of the counsel has also been placed on record. He submits that in the interest of justice, one final opportunity may be granted.

2. Learned counsel appearing for the respondent has opposed the petition pointing out the conduct of the petitioner. He pointed out that the

suit was filed in 2003 and has been languishing on account of the lackadaisical manner in which the petitioner is prosecuting the suit.

3. In the interest of justice, subject to payment of further costs of Rs.10,000/- as a last opportunity the order dated 7.9.2016 is recalled. The petitioner will have only one opportunity to lead his evidence on a date to be fixed by the trial court. In case he fails to do the needful no further opportunity shall be granted. This opportunity is subject to costs imposed by the trial court by its order dated 18.5.2016 of Rs.10,000/- and costs imposed today of Rs.10,000/- to be paid before Plaintiff's evidence is recorded.

4. Petition stands disposed of. All pending applications, if any, also stand disposed of accordingly

5. Dasti

JAYANT NATH, J

JANUARY 16, 2017

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