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

+ **FAO(OS) 270/2016**

M KRIPLANI

..... Appellant

Through Mr. Sanjib Dutta, Advocate.

versus

CISCO TECHNOLOGY INC

..... Respondent

Through Mr. Pravin Anand and Mr. Nischal Anand, Advocates.

CORAM:

HON'BLE MR. JUSTICE SANJIV KHANNA

HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER

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25.07.2017

This intra-Court appeal impugns order dated 18th July, 2016 passed by the single Judge, disposing of application for recall of the order dated 2nd May, 2016.

2. Counsel for the appellant submits that he has no objection and is not aggrieved by the direction given for recording of evidence of the witness of the plaintiff through video conferencing.

3. Counsel for the appellant states that his apprehension is that the appellant, who is defendant No.3 in the suit, may not be permitted to lead evidence. We think that the apprehension raised is correct. In any case, Mr. Pravin Anand, Advocate, who appears for the respondent i.e. the plaintiff, submits that they would not object to the appellant leading evidence but this should not become a tool to delay the proceedings.

4. In view of the statement made by the counsel for the

respondent, no further orders or directions are required in the appeal on the said aspect.

5. It is pointed out that the appellant has not paid costs of Rs.10,000/- imposed vide impugned order dated 18th July, 2016. Counsel for the appellant states that he would be paying the costs within a period of one week from today. The appellant will abide by the statement and in case of failure to do so, direction in paragraph 9 of the order dated 18th July, 2016 would be operative.

6. Counsel for the parties also state that the parties would like to settle the matter. In view of the statement made by the parties, they are directed to appear before the Delhi High Court Mediation Centre on 27th July, 2017 at 4 P.M. The said aspect would be considered by the single Judge.

7. Recording the above, the appeal is disposed of, without any order as to costs.

SANJIV KHANNA, J.

NAVIN CHAWLA, J.

JULY 25, 2017
NA