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

+ FAO(OS) 151/2017 & CM No.18267-69/2017

SWARN MALHOTRA Appellant

Through: Mr. Lalit Gupta, Adv.

versus

ANITA SETHI & ORS Respondent

Through: None

CORAM:

HON'BLE THE ACTING CHIEF JUSTICE

HON'BLE MR. JUSTICE C.HARI SHANKAR

ORDER

% **15.05.2017**

1. The appellant has assailed an order dated 8th May, 2017 permitting recording the statement of the defendant by video-conferencing passed in IA No. 5497/2017 in CS(OS) No. 1989/2006, which was filed by the defendant no.2.

This appeal is not maintainable.

2. Mr. Lalit Gupta, learned counsel for the appellant has handed over copy of an order dated 12th May, 2017, recorded by Sh. Dinesh Dayal, who was appointed as the local commissioner for recording the evidence in CS(OS) No. 1989/2006 with the connected suit. The order notes the willingness of counsel of the defendant to the effect that the witness (whose evidence was to be recorded on video

recording) was willing to come to India instead of having his statement recorded through video-conferencing. The date for appearance of the defendant no.2 has been fixed.

2. In view of the above, it is submitted by Mr. Lalit Gupta that he does not press the appeal and the applications.

The same are disposed of as not pressed.

ACTING CHIEF JUSTICE

C. HARI SHANKAR, J

MAY 15, 2017/kr