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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CM(M) No.691/2017 & CM No.24060/2017 (for stay).
ROCKMAN ADVERTISING & MARKETING
(I) LTD Petitioner
Through: Mr. Rishabh Bansal, Adv.

versus

NIRMAL JAIN & ORS Respondents
Through: Mr. Sarvesh Rai proxy counsel for
Mr. Ankit Jain, Adv.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

% **31.08.2017**

1. This order is in continuation of the earlier order dated 12th July, 2017.
2. The counsel appearing states that he is appearing only for respondent no.1.
3. However all the respondents are reported to be served and even otherwise the respondents no.2 to 4 are the children of the respondent no.1 and were substituted on the demise of the husband of the respondent no.1, who was the defendant no.2 in the suit. All the respondents / defendants are represented by the same Advocate before the Trial Court. Non-appearance of the counsel for the respondent no.1 for the other respondents is inexplicable.
4. Be that as it may, the respondents no.2 to 4 are proceeded against *ex parte*.
5. The counsel for the respondent no.1 states that he has no objection to the petition being allowed and in fact the respondents are also unable to afford the fees of the Court Commissioner appointed by the Suit Court for recording of evidence.

6. The petition is accordingly allowed.
7. The order dated 3rd June, 2017 of the Additional District Judge-04 (South-East), Saket Courts, New Delhi in Case No.7339/16 (Old CS No.425/16), to the extent appointing the Court Commissioner for recording evidence in the suit, is set aside.
8. The parties to appear before the Suit Court on 11th September, 2017 for fixing of the date before the Court for evidence.
9. The petition is disposed of.

RAJIV SAHAI ENDLAW, J

AUGUST 31, 2017
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