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

+ CM(M) No.833/2017 and CM No.27620/2017 (for stay).

FRANKFINN AVIATION SERVICES PVT LTD Petitioner

Through: Mr. Kirti Uppal, Sr. Adv. with Mr.
Praveen Kr. Singh, Mr. Rajeev Kr.
Dubey and Mr. Amardeep Bhullar,
Adv.

versus

TANUPRIYA TIWARI Respondent

Through: Mr. Sunil Kumar Agarwal, Adv.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

% **25.09.2017**

1. This order is in continuation of the earlier orders dated 4th August, 2017 and 22nd August, 2017.
2. Notice ordered to be issued has been served and the counsel for the respondent / plaintiff appears and has been heard.
3. The senior counsel for the petitioner / defendant / counterclaimant on enquiry states that the petitioner / defendant / counterclaimant has to examine only Mr. Kuldeep Singh, General Manager, Taxation and Secretarial of the petitioner / defendant / counterclaimant to prove the damages suffered by the petitioner / defendant / counterclaimant qua which counterclaim has been made and no other witness.
4. It is stated that the affidavit by way of examination-in-chief of the said witness is ready.
5. The petition is disposed of with the direction that subject to:-
 - (i) the petitioner / defendant / counterclaimant supplying advance copy of the affidavit by way of examination-in-chief of the

aforesaid Mr. Kuldeep Singh by tomorrow;

- (ii) the petitioner / defendant / counterclaimant paying costs of Rs.25,000/- to the counsel for the respondent / plaintiff on or before 27th September, 2017; and,
- (iii) the petitioner / defendant / counterclaimant producing the aforesaid witness before the learned Civil Judge on 27th September, 2017 or on any other date which may be given for the said purpose, the petitioner / defendant / counterclaimant shall be permitted to examine the said witness.

6. It is however made clear that if there is default in any of the conditions aforesaid, the petitioner / defendant / counterclaimant shall not be entitled to examine the said witness.

7. The learned Civil Judge-05 (West), Tis Hazari Courts, Delhi is requested to endeavour to examine the aforesaid witness on 27th September, 2017 when the suit is listed next and if for any reason it is not possible to do so, to give a date therefor and to thereafter proceed to hear final arguments in the suit.

RAJIV SAHAI ENDLAW, J

SEPTEMBER 25, 2017

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