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IN THE HIGH COURT OF DELHI AT NEW DELHI

+ CMI 7/2016

MANGAL SAIN & ANR

..... Petitioners

Through: Mr. Jai Prakash, Advocate.

versus

DAMODAR

..... Respondent

Through: Mr. S.C. Singhal, Advocate with Mr.
B.S. Chauhan, Advocate.

CORAM:

HON'BLE MR. JUSTICE VALMIKI J. MEHTA

ORDER

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12.09.2017

C.M.I. No.7/2016 and C.M. No.48074/2016 (under Order XLIV Rule 1
CPC)

1. These applications are allowed with consent but without prejudice to the rights of the respondent that appellants are not paupers.

C.M.I and application are accordingly disposed of. Appeal be now registered as an RFA.

+RFA No. 795 /2017 (to be registered) and C.M. No.48075/2016 (stay)

2. After arguments, this appeal is disposed of with the consent order that the impugned order dated 8.9.2016 is set aside, however, it is made clear that both the parties will not get more than four opportunities to

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complete their evidence and the trial court is requested to complete hearing of the final arguments within four months of completion of the evidence. Trial court is empowered to impose heavy costs on the party seeking unnecessary adjournments.

3. Since the suit is pending before the trial court on the aspect of damages and it is stated that next date of hearing is 13.10.2017, parties will appear before the trial court on the date fixed being 13th October, 2017.

4. Appeal is disposed of in terms of aforesaid observations.

VALMIKI J. MEHTA, J

SEPTEMBER 12, 2017

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