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IN THE HIGH COURT OF DELHI AT NEW DELHI

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CM(M) 1405/2017, CM APPL.45028/2017

PARVEEN SHARMA

..... Petitioner

Through: Mr.Abinash K.Mishra, Advocate.

versus

SURINDER KUMAR SHARMA

..... Respondent

Through: Mr.O.P. Verma, Advocate.

CORAM:

HON'BLE MR. JUSTICE YOGESH KHANNA

ORDER

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27.11.2018

This petition challenges the orders dated 07.11.2016 and 19.07.2017. It is submitted by the learned counsel for the petitioner that during the cross-examination of the petitioner one insufficiently stamped documents Ex. PW1/1 was impounded and was sent to Collector of Stamps for stamping as per rules. The matter was fixed for evidence of the plaintiff but the stamp duty was not paid and hence in the absence of the plaintiff on 07.11.2016, the plaintiff's evidence was closed. An effort by the plaintiff to get a review of the order dated 07.11.2016 also failed vide order dated 19.07.2017.

It is submitted by the learned counsel for the petitioner the delay was caused due to confusion because of a letter dated 14.02.2014 of the Office of the Deputy Commissioner, District (East), Government of NCT of Delhi wherein the plaintiff and respondent both were directed to deposit the stamp duty and copy of the challan

was also sent to the petitioner which bear the name of the respondent. The petitioner has now purchased the stamp duty of Rs.17,000/- and as such he pleads the delay so caused be condoned and the matter be listed again for evidence of the petitioner.

Considering the facts and circumstances and also that the petitioner's suit for recovery against the respondent is pending since 2010, so in the interest of justice the orders dated 07.11.2016 and 19.07.2017 are set aside subject to a cost of Rs.20,000/- to be paid to the respondent.

The matter be now listed for evidence of the plaintiff and on completion of his evidence the respondent shall lead the evidence.

Petition stands disposed of in terms of above.

YOGESH KHANNA, J.

NOVEMBER 27, 2018

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