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

+ CM(M) 1361/2018

EXPLO MEDIA PVT LTD

..... Petitioner

Through: Mr. Robin Singh & Mr. Avadh
Kaushik, Advocates.

versus

ANAND KUMAR

..... Respondent

Through

CORAM:

HON'BLE MS. JUSTICE ANU MALHOTRA

ORDER

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06.03.2019

Learned counsel for the petitioner has placed on record the tracking report indicating service on the respondent. Placed in part-B of the record is also the vakalatnama of the counsel for the respondent. The respondent has thus been served and is not represented now.

Placed on record is a report dated 14.12.2018 of the Court of the learned ADJ-03, PHC, New Delhi in CS(OS)1404/14 indicating that the written statement of the defendant filed as per the office noting for the date 23.07.2014 was returned with objections and though, it was mentioned in proceedings dated 23.07.2014 of this Court that the written statement and the counter affidavit had been filed, it was observed in proceedings dated 30.11.2016 that the said written statement was not on the record.

The report had been called for from the Registry, which

indicates that the written statement filed vide diary no.116674/19.07.2014 had been destroyed in December 2017 in view of it having been lying under objections for a long time. Vide proceedings dated 30.11.2016 of the Court of the learned ADJ-03, the defendant had been directed to place on record the copy of the written statement along with the affidavit.

In the circumstances, the prayer made by the petitioner seeking directions to the learned Trial Court for reconstructing the Trial Court Record in relation to the written statement of the defendant is allowed. The petition is disposed of.

Copy of this order be sent to the learned Trial Court.

ANU MALHOTRA, J

MARCH 06, 2019/NC