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

% ***Date of decision: 23rd July, 2024***

+ **CM(M) 2559/2024**

LALIT KUMAR BASSIPetitioner

Through: **Mr. Gautam Gupta, Advocate.**

versus

USHA SARINRespondent

Through: **Mr. Preet Pal Singh with
Ms. Akanksha Singh, Mr. Madhukar
Pandey and Mr. Prateek Sharma,
Advocates.**

CORAM:

HON'BLE MR. JUSTICE MANOJ JAIN

J U D G M E N T (oral)

CM APPL. 41158/2024 (exemption)

Exemption allowed subject to all just exceptions.

CM APPL. 41157/2024 (for recalling of order dated 10.07.2024)

1. Learned counsel for the respondent appears on advance notice.
2. At joint request, the date is pre-poned and the matter is taken up today itself for consideration.
3. Next date of hearing i.e. 25.09.2024 is cancelled.

CM(M) 2559/2024

1. Petitioner is defendant before the learned Trial Court and is aggrieved by order dated 20.02.2024 passed by the learned Trial Court whereby the learned Trial Court has permitted the plaintiff (respondent herein) to place on record a new Special Power of Attorney.



2. During course of the arguments, it came to fore that the suit had, though, been instituted by Ms. Usha Sarin through her attorney Ms. Gurmeet Kaur Kapoor but during the trial, Ms. Usha Sarin has herself entered into witness box and deposed about the issues involved.

3. Learned counsel for the respondent states that it is only by way of abundant caution that he wanted to examine such attorney as the petitioner (defendant before the learned Trial Court) has taken an objection that the suit had not been instituted by a duly authorized person.

4. During course of the arguments, learned counsel for the petitioner himself, very fairly, admits that since the plaintiff herself has graced the witness box, such particular issue does not survive any more.

5. Learned counsel for the respondent/plaintiff states that in view of above statement, he would not examine the concerned Attorney Holder.

6. In view of the aforesaid statements and the fact that respondent/plaintiff is no longer interested in examining the Attorney Holder, nothing survives in the present petition. The same stands disposed of in view of the aforesaid.

(MANOJ JAIN)
JUDGE

JULY 23, 2024
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