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

\+ CS(OS) 463/2017

RAJESH KUMAR GUPTA & ANR ..... Plaintiffs
Through Ms.Smita Maan, Mr.Vishal Maan, Mr.Sumit Singh and Mr.Rohan Nandal, Advs.
versus
SH. PRATAP DUBE ..... Defendant
Through Mr.Aditya Wadhwa, Mr.Tejasi Shetty, Ms.Harshitha Reddy and Ms.anushree Malaviay, Advs.

CORAM:
HON'BLE MR. JUSTICE JAYANT NATH

O R D E R

% 26.09.2018

Crl. M.A.No. 31650/2018

Learned counsel for the applicant seeks to withdraw the application.

The application is dismissed as withdrawn.

IA No. 13184/2018

This application is filed under Order 26 Rule 9 CPC seeking appointment of a local commissioner to make an inventory and value the items lying in the suit property.

Learned counsel for the plaintiffs submits that they have no objection if the defendant were to remove the antics and paintings lying in the suit property. However, she submits that no list of the said antics and paintings has been annexed to the application and in the absence of the same, needless confusion would be created.

Let the applicant file a list of antics and paintings which according to him, the defendant is entitled to take back.

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List on 15.01.2019.

IA No. 13185/2018

This application is filed seeking a direction to the plaintiff to deposit the original title deeds in the court till the disposal of the suit.

Learned counsel appearing for the plaintiffs has pointed out that earlier also the defendant had filed an application being IA No. 1330/2018 in which also the same relief, namely, the deposit of the original title deeds was sought. That application was dismissed as withdrawn with liberty to the defendant to move this application at a subsequent stage including at the stage of final arguments.

A perusal of IA No. 1330/2018 shows that these two applications are substantially same.

In view of the above, this application is dismissed.

IA No. 12120/2018

This application is filed under Order 26 Rule 9 CPC to make local investigation to ascertain the market value of the suit property.

After some arguments, learned counsel for the defendant submits that he would like to withdraw this application with liberty to move an application for amending his list of witnesses so that he could also have the testimony of a qualified valuer who would evaluate the suit property.

Granting leave and liberty, the application is dismissed as withdrawn.

CS(OS) 463/2017

The Local commissioner is said to be recording evidence.

To await the completion of evidence, list on 15.01.2019.

SEPTEMBER 26, 2018/rb **JAYANT NATH, J**

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