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

+ **CS(OS) 1719/2009**

M/S OMCE JORDAN

.....Plaintiff

Through Mr. Tanvir Nayar, Adv.

versus

SUDARSHAN OVERSEAS LTD & ORS

.....Defendants

Through Mr. Saif Mahmood, Adv.

CORAM:

HON'BLE MR. JUSTICE RAJIV SHAKDHER

ORDER

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03.07.2020

[Court hearing convened *via* video-conferencing on account of COVID-19]

I.A. No. 5135/2020 & I.A. No. 5136/2020

1. Allowed, subject to the plaintiff curing the deficiencies referred to in the captioned applications within five days of the lockdown *qua* this Court being lifted.

I.A. 5134/2020

2. This is an application whereby the applicant i.e. the original plaintiff seeks revival of the suit i.e. CS(OS) 1719/2009 filed in this Court.

3. Since liquidation proceedings had commenced before the High Court of Judicature at Madras [hereafter referred to as the "Madras High Court"], the applicant/plaintiff had approached the Madras High Court for requisite leave.

CS(OS) 1719/2009

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Signature Not Verified

digitally signed by VIPIN
KUMAR RAY
signing date 04.07.2020
07:49

4. It is averred that *vide* order dated 20.03.2020, passed in O.S.A. No. 38/2019, the Madras High Court has granted leave to the applicant/plaintiff to continue with CS(OS) 1719/2009 with a caveat that it would, for the moment, finance litigation expenses of the Official Liquidator attached with the Madras High Court [in short “OL”] to the extent of Rs. 3 lakhs, for defending the proceedings in this Court.

4.1 This aspect emerges upon the perusal of paragraph 6 of the order dated 20.03.2020 passed by the Madras High Court.

5. Accordingly, issue notice to the respondents, which includes the OL, *via* all modes including email.

6. I may only note that Mr. Saif Mahmood has joined the proceedings.

6.1 Mr. Mahmood states that he appeared in the matter up-until 29.10.2015 for respondent No.2/defendant No.2. It is submitted by him that, presently, he has no fresh instructions in the matter insofar as respondent No.2/defendant No.2 is concerned.

7. It would be helpful if the OL were to give his official bank account details so that Rs. 3 lakhs, towards litigation expenses [as noted by the Madras High Court in paragraph 6 of the order dated 20.03.2020], can be transmitted, electronically, to the said account.

8. A copy of the order passed today will accompany the notice served on the OL.

9. Renotify the matter on 28.07.2020.

RAJIV SHAKDHER, J

JULY 03, 2020

pmc/KK

[Click here to check corrigendum, if any](#)

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