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

+ CM(M) 681/2016

STANDARD CHEMICALS Petitioner
Through Mr. Anunya Mehta and mr. Anant
Kumar Malik, Advocates.

versus

VICTORIA MANUFACTURING & PACKAGING
PVT LTD AND ORS Respondents
Through None.

CORAM:
HON'BLE MR. JUSTICE JAYANT NATH

ORDER
% **19.07.2016**
CM No.25261/2016 & 25263/2016 (exemption)

Exemption is allowed subject to all just exceptions.

CM(M) 681/2016 and CM No. 25262/2016 (stay)

By the present petition, the petitioner seeks to impugn the order dated 23.01.2016 by which the trial court allowed the application filed by the respondents No. 1 to 3 under Order XXXVII CPC granting unconditional leave to defend the suit to respondents No. 1 to 3/defendants No. 1 to 3.

Learned counsel appearing for the petitioner submits that on 23.01.2016 when the impugned order was passed, the counsel for the petitioner could not appear as there had been a bereavement in his immediate family, which was about 10 days back. He submits that though a

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proxy counsel had appeared and sought an adjournment but his presence is not shown. In fact, the impugned order shows that none was present for either of the parties on 23.01.2016.

He further submits that the defendants had moved their application for leave to defend and entered appearance after a delay of 1151 days. The application for condonation of the said delay was also pending before the trial court. He submits that without first adjudicating the said application for condonation of delay, the trial court directly proceeded to dispose of the application of the respondents No.1 to 3 for grant of leave to defend.

In the facts and circumstances of this case, it is appropriate that the petitioner move an appropriate petition before the trial court seeking review of the order dated 23.01.2016. In case any such review petition is filed within two weeks from today, the trial court may consider the review petition in accordance with law.

With the above liberty, the present petition is disposed of.

This order is passed without prejudice to the rights and contentions of the parties

Needless to add, in case the petitioner is aggrieved by any order passed in the review petition, he would be at liberty to take appropriate steps before this court.

JAYANT NATH, J

JULY 19, 2016

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