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

+ **FAO(OS) 205/2016**

PUNCHIP ASSOCIATES P LIMITED & ORS

..... Appellants

Through : Mr A. K. Singla, Senior Advocate with
Mr A. K. Mehta

versus

STATE BANK OF BIKANER AND JAIPUR & ANR

..... Respondents

Through : Mr Vishnu Mehra

CORAM:

HON'BLE MR. JUSTICE BADAR DURREZ AHMED

HON'BLE MR. JUSTICE ASHUTOSH KUMAR

O R D E R

% **29.08.2016**

CM 25290/2016 (condonation of delay)

The delay in filing the appeal is condoned.

The application stands disposed of.

FAO(OS) 205/2016

We have heard the learned counsel for the parties. By virtue of the impugned order, two suits, being CS(OS) 2195/2012 (filed by the appellants) and CS(OS) 3430/2015 (filed by the respondent No.1 herein), were disposed of 'for the time being with liberty, in accordance with law, to revive the suits' on the judgment being passed in CS(OS) 1416/2013 and CS(OS) 1417/2013.

We are of the view that the suits ought not to have been 'disposed' in the manner indicated by the learned Single Judge. Consequently, the impugned order, to the extent that it disposes the said suits, is set aside. The suits are restored. It would be open to the appellants herein to seek consolidation of CS(OS) 2195/2012

with CS(OS) 1416/2013 and CS(OS) 1417/2013 and it shall also be open to the respondents to oppose such prayer. Similarly, it shall be open to the respondents herein to seek stay/adjournment *sine die* of CS(OS) 2195/2012. It is needless to say that the plaintiffs/appellants herein would have the option to oppose such an application before the learned Single Judge. With these observations, the impugned order, to the extent indicated above, is set aside. The suits which stand restored, being CS(OS) 2195/2012 and CS(OS) 3430/2015, shall now be placed before the learned Single Judge, in the first instance, on 04.10.2016.

BADAR DURREZ AHMED, J

ASHUTOSH KUMAR, J

**AUGUST 29, 2016
SR**