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

+ CM(M) 883/2016

PEAREY LAL & SONS PVT LTD Petitioner

Through: Mr. Simran Mehta & Mr. Sanjay Chhabra,
Advocates.

versus

PEAREY LAL WORKSHOP PVT LTD & ORS Respondents

Through: Mr. R.K. Rawal, Advocate.

CORAM:

HON'BLE MR. JUSTICE JAYANT NATH

O R D E R

% **08.09.2016**

C.M. No.32675/2016 (for exemption)

Allowed, subject to all just exceptions.

The application stands disposed of.

CM (M) No.883/2016 & C.M. No.32674/2016 (for stay)

1. By the present petition, the petitioner seeks to impugn the order dated 4.8.2016 vide which in exercise of powers under Order X Rule 2 CPC, the court had directed the Managing Director and Directors of the plaintiff and defendant No.1 to be present in court for their examination.

2. The learned counsel appearing for the petitioner submits that the Managing Director, H.K. Aggarwal, is 70 years old suffering from serious ailments. He submits that there are three directors, that is,

wife and two daughters of Sh.H.K. Aggarwal, who are presently residing in UK in connection with the treatment of Sh.H.K. Aggarwal.

3. The learned counsel for the petitioner submits that in the absence of Sh.H.K. Aggarwal, Mr. O.P. Bhandula, the Company Secretary, who is well conversant with the facts of the case and will also be in a position to take any decision, if required, would be present in court to enable the court to exercise its power under Order X Rule 2 CPC.

4. The learned counsel for the respondent supports the case of the petitioner in the present petition to the extent that he submits that the Managing Director of the defendant company is also suffering from various ailments and is advised not to be present in Delhi during these months on account of his bronchitis problems.

5. The learned counsel for the respondent submits that either Mr.Vikas Aggarwal, the Managing Director, if his health permits, would appear or in the alternative Mr.V.K. Aggarwal, one of the Director of respondent company, who is also well conversant with the facts of the present case and will also be in a position to take any decision, if required, would be present in court.

6. In view of the above and keeping in view the health of the Managing Directors, the order dated 4.8.2016 is modified. Mr. O.P. Bhandula, the Company Secretary of the petitioner shall be present in court on the date after 13.9.2016, to be fixed by the court for the purpose of his presence under Order X Rule 2 CPC. Similarly, on behalf of the respondent, either Mr.Vikas Aggarwal or Mr. V.K.

Aggarwal would be present for the said purpose.

7. In view of the above, the present petition stands disposed of.

8. A copy of the order be given *dasti* under the signatures of the Court Master.

JAYANT NATH, J.

SEPTEMBER 08, 2016
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