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

+ CM(M) 1160/2015

M/S CHAITANYA MARKETING AGENCY (THR ITS
PROPRIETOR) Petitioner

Through Mr.Paritosh, Advocate

versus

M/S ELDER PHARMACEUTICALS LTD (THR ITS
DIRECTOR/PROPRIETOR) Respondent

Through

CORAM:

HON'BLE MR. JUSTICE JAYANT NATH

ORDER

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08.12.2016

1. By the present petition under Article 227 of the Constitution of India the petitioner seeks to impugn the order dated 05.10.2015 by which an application under Order 12 Rule 6 CPC was dismissed.
2. Learned counsel appearing for the petitioner has taken me through the pleadings i.e. the plaint and the written statement to submit that in the pleadings there is a clear admission to the effect that except the figure of Rs.3,320/- the respondent owes to the petitioner a sum of Rs.2,26,668/-. The evidence of the respondent has already been completed before the trial court and the matter is now fixed for final arguments on 18.1.2017.
3. Considering the fact that the suit itself has reached the final stage it would not be appropriate for this court to, at this stage, start hearing the application on the submission of the petitioner that there is an admission by the respondent. These are issues which the petitioner can address before the trial court while arguing the main suit.

4. The petition is accordingly disposed of with a request to the trial court to commence/complete arguments on 18.1.2017. No adjournment shall be granted to any of the parties on that date. All pending applications, if any, also stand disposed of accordingly.

JAYANT NATH, J

DECEMBER 08, 2016

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