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

+ CM(M) 1270/2015

M/S BLUE BERRY NETWORK PVT LTD Petitioner

Through: Mr.Salar M.Khan & Mr.Kaushlendra
Singh, Advocates

versus

GSR ELECTROGIFTING PVT LTD & ANR Respondents

Through: None

CORAM:

HON'BLE MS. JUSTICE PRATIBHA RANI

ORDER

% **04.01.2016**

CM No.32146/2015

Exemption allowed, subject to all just exceptions.

Application stands disposed of.

CM(M) 1270/2015

1. The petitioner is aggrieved by the order dated 28th November, 2015 whereby learned Trial Court ordered deletion of defendant No.2 from the array of parties and also imposed a cost of ₹ 2,000/- on the petitioner who is plaintiff in civil Suit No.323/2015 for unnecessarily impleading defendant No.2 who also happened to be Director of defendant No.1 Company.

2. Learned counsel for the petitioner submits that averments have been made in the plaint to show personal liability of Shri Ravindra Singh Sengar, defendant No.2. The petitioner may be permitted to withdraw this petition granting liberty to the extent that if during trial petitioner is able to bring on

record necessary evidence to prove the liability of Shri Ravindra Singh Sengar, he would be moving appropriate application for his impleadment as a party.

3. Learned counsel for the petitioner further submits that amended memo of parties as directed by the learned Trial Court has not been filed till date.

4. The petitioner is permitted to file the amended memo of parties before the learned Trial Court within two days.

5. The petition is dismissed as withdrawn with the liberty granted as prayed for.

6. A copy of this order be given *dasti*.

CM No.32147/2015

Dismissed.

PRATIBHA RANI, J.

JANUARY 04, 2016

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