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

+ **FAO(OS) 684/2015**

M/S MOKA TECHNOLOGY SERVICES LTDAppellant
Represented by: **Mr.Ruchin Midha, Advocate**

versus

**M/S TELECOMMUNICATION CONSULTANT
INDIA LTD AND ANR**Respondents
Represented by: **Mr.P.K.Bansal, Advocate with
Mr.Ajay Bansal, Advocate for R-1**

CORAM:

HON'BLE MR. JUSTICE PRADEEP NANDRAJOG

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

% **01.03.2016**

CM No.31863/2015

For the reasons stated in the application delay of 2 days in filing the appeal is condoned.

FAO (OS) No.684/2015

1. We find no infirmity in the impugned order because the appellant wants a garnishee order against respondent No.1 and there is no amount admitted payable by respondent No.1 to respondent No.2. The claim of the appellant is against respondent No.2.
2. We may only note that respondent No.2 had a contract with BSNL for supply and erection and respondent No.1 was sub-contracted some works which respondent No.2 claims were not accepted by BSNL and as a result no payment was received by respondent No.2 from BSNL and thus far from

paying any money to respondent No.1 it would be entitled to damages from respondent No.1.

3. The garnishee order prayed for by the appellant concerns payment allegedly payable by respondent No.2 to respondent No.1, which payment is in dispute inter-se the respondents.

4. The appeal is dismissed.

5. No costs.

CM No.31862/2015

Dismissed as infructuous.

PRADEEP NANDRAJOG, J.

MUKTA GUPTA, J.

MARCH 01, 2016

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